

boats of the most improved design—to the Committee on Naval Affairs.

By Mr. BROMWELL: A bill (H. R. 14762) amending section 963, chapter 22, of the code of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CASSEL: A bill (H. R. 14763) to reimburse the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863—to the Committee on War Claims.

By Mr. BLACKBURN: A bill (H. R. 14764) to establish United States courts at Wilkesboro, N. C.—to the Committee on the Judiciary.

By Mr. THOMAS of Iowa: A bill (H. R. 14777) for the judicial ascertainment of claims against the United States—to the Committee on Claims.

By Mr. BARTLETT: A resolution (H. Res. 278) requesting the Secretary of War to furnish to the House what salary or other compensation has been paid to Gen. Leonard A. Wood, late governor-general of Cuba—to the Committee on Military Affairs.

By Mr. TONGUE: A resolution (H. Res. 279) granting the Committee on Irrigation of Arid Lands leave to print—to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 14765) granting a pension to Thomas Cory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14766) granting an increase of pension to John B. Ellett—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 14767) granting an increase of pension to Boston Dillion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14768) granting a pension to Edgar Woolfolk—to the Committee on Pensions.

Also, a bill (H. R. 14769) granting a pension to Mary S. Downey—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 14770) for the relief of James S. Harber—to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 14771) granting an increase of pension to Samuel K. J. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14772) for the relief of John Hale—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 14773) granting an increase of pension to James W. Byers—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 14774) granting a pension to John C. Clarke—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 14775) granting an increase of pension to Conrad G. Boehme—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 14776) granting an increase of pension to John McVicar—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14778) granting an increase of pension to Marcena C. S. Gray—to the Committee on Invalid Pensions.

By Mr. JOY: A resolution (H. Res. 275) to equalize the pay of the conductors of the elevator in the House wing of the old Library space—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALL: Sundry petitions of posts of the Grand Army of the Republic of the States of Arkansas, Colorado, Delaware, Florida, Idaho, Illinois, Kansas, Louisiana, Massachusetts, Mississippi, Minnesota, Montana, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Washington, Wisconsin, Wyoming, and Indian and Oklahoma Territories, urging the passage of House bill 13986, to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. CROMER: Resolutions of Republican County Committee of Westchester County, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of North American Gymnastic Unions, of Pittsburg, East Pittsburg, and Allentown, Pa., in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of O. B. Rice Post, No. 71, Department

of Wisconsin, favoring House bill 13986, to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of Third Ward Democratic Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: Petition of Warham Easley, of Loudon County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Martha P. Underwood, to accompany House bill to remove the charge of desertion against the record of John Underwood—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of James S. Gleghorn, vice-president of Pennsylvania Drug Clerks' Association, Allegheny, Pa., favoring the adoption of the metric system as the standard of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of Eli Hemphill Post, No. 135, of Tarentum, Grand Army of the Republic, Department of Pennsylvania, favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

Also, petition of St. Stanislaw Kostka Polish Society, of Carnegie, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of criers and bailiffs of the United States courts in the eastern district of Pennsylvania, asking for the passage of Senate bill 5735, relating to the compensation of certain officers in the United States courts—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of Ernest Stalhuth, of Columbus, Ind., in support of House bill 123, for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HAMILTON: Resolutions of the Board of Trade of Grand Rapids, Mich., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. HAY: Petition of James Gordon, of Augusta County, Va., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. IRWIN: Petition of numerous citizens of the State of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill No. 14323, granting a pension to A. Hausman—to the Committee on Invalid Pensions.

By Mr. LACEY: Papers to accompany House bill granting a pension to James W. Byers—to the Committee on Invalid Pensions.

By Mr. MAHONEY: Resolution of Sacred Heart of Jesus Society, No. 1, Polish Alliance, Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski, at Washington—to the Committee on the Library.

By Mr. NEVILLE: Evidence in support of House bill 14439, granting a pension to Franklin Peale—to the Committee on Invalid Pensions.

By Mr. RUMPLE: Petition of Buffalo (Iowa) Turn Verein, protesting against the passage of House bill 12199 in its present form—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Petition of citizens of the State of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SPERRY: Resolutions of Westchester County Republican Committee, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

#### SENATE.

THURSDAY, May 29, 1902.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

#### INAUGURATION OF THE REPUBLIC OF CUBA.

The PRESIDING OFFICER (Mr. PLATT of Connecticut) laid before the Senate the following communication from the Secretary of State; which was read, and ordered to lie on the table and to be printed:

DEPARTMENT OF STATE, Washington, May 28, 1902.

Hon. WILLIAM P. FRYE,

*President pro tempore United States Senate.*

SIR: I have the honor to acknowledge the receipt of an attested copy of the Senate's resolutions of May 21, 1902, reading as follows:

"Resolved by the Senate of the United States of America, That the Senate views with satisfaction and expresses congratulation at the appearance of the Cuban Republic among the nations of the world."

"Resolved, That the Secretary of State be directed to transmit to the President of the Cuban Republic a copy of these resolutions."

In accordance with the request of the resolutions, it has given me pleasure to forward an engrossed copy thereof to the minister of the United States at Habana for transmission to the President of the Cuban Republic.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

#### RURAL DELIVERY LOCK BOXES.

The PRESIDING OFFICER laid before the Senate a communication from the Postmaster-General, transmitting, pursuant to a clause in the Post-Office appropriation act for the fiscal year ending June 30, 1903, a report as to the advisability and practicability of purchasing and adopting a uniform metal lock box at a price not to exceed 50 cents, for the purpose of selling the same to patrons on rural free-delivery routes at cost; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### SALARIES OF GOVERNMENT OFFICIALS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of an opinion from the Comptroller of the Treasury regarding the payment of salaries of Government officials and informing the Senate that in accordance with that opinion a committee had been appointed to revise the present Government salary tables to conform thereto; which, with the accompanying paper, was ordered to lie on the table and be printed.

#### RENTAL OF BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 22d instant, certain information relative to quarters rented by the Department of Agriculture, giving the location, area of floor space occupied, and the annual rental thereof; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

#### ENROLLED BILLS SIGNED.

The PRESIDING OFFICER announced his signature to the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 712) granting an increase of pension to John Housiaux;

A bill (S. 1038) granting an increase of pension to Gustavus C. Pratt;

A bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan;

A bill (S. 1797) granting an increase of pension to Benjamin Russell;

A bill (S. 2168) granting an increase of pension to Charles O. Baldwin;

A bill (S. 2457) granting an increase of pension to Warren Y. Merchant;

A bill (S. 2511) granting an increase of pension to William Phillips;

A bill (S. 2535) granting an increase of pension to Annie E. Joseph;

A bill (S. 2551) granting a pension to Amelia Engel;

A bill (S. 2697) granting an increase of pension to Sarah F. Baldwin;

A bill (S. 3063) granting an increase of pension to Henry J. Edge, alias Jason Edge;

A bill (S. 3551) granting an increase of pension to John P. Collier;

A bill (S. 3888) granting an increase of pension to Jesse H. Hubbard;

A bill (S. 3998) granting an increase of pension to Emma L. Kimble;

A bill (S. 4240) granting an increase of pension to Calvin N. Perkins;

A bill (S. 4415) granting an increase of pension to Vesta A. Brown;

A bill (S. 4638) granting a pension to Helena Sudsbury;

A bill (S. 4642) granting an increase of pension to Anne Dowery;

A bill (S. 4655) granting an increase of pension to Oliver K. Wyman;

A bill (S. 4706) granting an increase of pension to William Harrington;

A bill (S. 4712) granting an increase of pension to Eliphlet Noyes;

A bill (S. 4729) granting an increase of pension to Daniel A. Hall, alias William Knapp;

A bill (S. 4730) granting an increase of pension to George W. Youngs;

A bill (S. 4732) granting an increase of pension to Charles H. Hazzard;

A bill (S. 4758) granting an increase of pension to Mary L. Doane;

A bill (S. 4759) granting an increase of pension to Martha Clark;

A bill (S. 4766) granting an increase of pension to James P. McClure;

A bill (S. 4790) granting an increase of pension to Stephen A. Seavey;

A bill (S. 4829) granting an increase of pension to Nimrod Headington;

A bill (S. 4853) granting an increase of pension to Amos Moulton;

A bill (S. 4862) granting an increase of pension to James Welch;

A bill (S. 4871) granting an increase of pension to Helen M. Worthen;

A bill (S. 4983) granting a pension to John W. Smoot;

A bill (S. 5106) granting an increase of pension to Horace L. Richardson;

A bill (S. 5152) granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin;

A bill (S. 5153) granting an increase of pension to Eri W. Pinkham;

A bill (S. 5202) granting an increase of pension to Jennie M. Wagner;

A bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton;

A bill (S. 5371) granting an increase of pension to Jonathan O. Thompson;

A bill (S. 5669) granting a pension to Charlotte M. Howe;

A bill (S. 5670) granting a pension to Samuel H. Chamberlin;

A bill (S. 5759) granting an increase of pension to Charles T. Crooker;

A bill (H. R. 989) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of \$1,704.46;

A bill (H. R. 2857) granting an increase of pension to Frances C. Haughton;

A bill (H. R. 6330) granting an increase of pension to William D. Tanner;

A bill (H. R. 6625) granting increase of pension to Mary S. Downing;

A bill (H. R. 7397) granting a pension to Louisa White;

A bill (H. R. 9606) granting a pension to Charles Blitz;

A bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*;

A bill (H. R. 10782) granting a pension to Ole Steensland;

A bill (H. R. 10995) to regulate the introduction of eggs of game birds for propagation;

A bill (H. R. 12418) granting a pension to Matilda C. Clarke;

A bill (H. R. 13395) granting a pension to Arthur J. Bushnell;

A bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903;

A bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902;

A joint resolution (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor; and

A joint resolution (H. J. Res. 173) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain revolutionary trophies at Allegheny Arsenal, Pittsburgh, Pa.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKENNEY, its enrolling clerk, announced that the House had passed a bill (H. R. 14511) to authorize the relinquishment to the United States of claims and patented lands within the national parks in the State of California, and to permit the settlers and owners thereof to secure other lands outside of said parks, in accordance with section 24 of the act of Congress approved March 3, 1891; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Presiding Officer:

A bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes;

A bill (H. R. 2286) granting an increase of pension to Mary Etna Poole;

A bill (H. R. 2289) granting an increase of pension to Pitsar Ingram;

A bill (H. R. 2623) granting an increase of pension to John Smith;

A bill (H. R. 4542) granting pension to Eliza J. West;

A bill (H. R. 5248) granting a pension to Francis A. Tillotson;

A bill (H. R. 5475) granting increase of pension to August Schill, alias August Silville;

A bill (H. R. 5551) granting increase of pension to Charles Edward Price Lance, alias Edward Price;

A bill (H. R. 6037) granting increase of pension to William C. Holcomb;

A bill (H. R. 6718) granting increase of pension to Andrew R. Jones;

A bill (H. R. 7560) granting an increase of pension to George W. Butler;  
 A bill (H. R. 8134) granting an increase of pension to James H. Dunn;  
 A bill (H. R. 8487) granting an increase of pension to John M. Crist;  
 A bill (H. R. 9695) granting an increase of pension to Evaline Jenkins;  
 A bill (H. R. 9794) granting a pension to Zebulon A. Shipman;  
 A bill (H. R. 9833) granting an increase of pension to Margaret McCuen;  
 A bill (H. R. 11124) granting an increase of pension to Mary Scott;  
 A bill (H. R. 11288) granting an increase of pension to William E. Ball;  
 A bill (H. R. 12422) granting an increase of pension to David Topper;  
 A bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty;  
 A bill (H. R. 12779) granting an increase of pension to George Chamberlin;  
 A bill (H. R. 12983) granting an increase of pension to Eleanor Emerson;  
 A bill (H. R. 13037) granting an increase of pension to Francis W. Anderton;  
 A bill (H. R. 13168) to establish an additional life-saving station on Monomoy Island, Massachusetts;  
 A bill (H. R. 13211) granting a pension to Melissa Burton;  
 A bill (H. R. 13614) granting an increase of pension to William H. White; and  
 A joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

#### PETITIONS AND MEMORIALS.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. WARREN presented a petition of the Territorial Statehood Convention of Arizona, praying for the enactment of legislation admitting the Territory of Arizona into the Union as a State; which was referred to the Committee on Territories.

Mr. DUBOIS presented a petition of the Federated Trades and Labor Council of Boise, Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, Idaho, remonstrating against the granting of contracts to foreign firms and contractors for the construction of Government vessels; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Lodge No. 560, Retail Clerks' Protective Association, of Pocatello, Idaho, praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented memorials of Pocatello Lodge, No. 198, International Association of Machinists, of Pocatello, and of Local Lodge No. 560, Retail Clerks' Protective Association, of Pocatello, in the State of Idaho, remonstrating against the adoption of the President's order relative to Government employees seeking to better their condition; which were referred to the Committee on Civil Service and Retrenchment.

Mr. PENROSE presented petitions of sundry citizens of Philadelphia; of Division No. 80, Order of Railroad Telegraphers, Philadelphia, and of the Manufacturers' Club of Philadelphia, all of the State of Pennsylvania, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of sundry Baptist ministers of New York; of the Harvey Congregational Church, of Harvey, Ill., and of the First Baptist Church of Harvey, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors, both spirituous and malt, on the premises and in the immediate vicinity of all immigrant stations; which were referred to the Committee on Immigration.

He also presented a petition of 48 citizens of Philadelphia County, Pa., praying for the enactment of legislation granting a service pension to those who served in the Army of the Union during the war of the rebellion; which was referred to the Committee on Pensions.

#### REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 5049) for the relief of Sylvester S.

Van Sickle, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1866) for the relief of Herbert O. Dunn, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to which was referred the joint resolution (S. R. 81) to enlarge the use of electric conduits in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, which was instructed by a resolution of the Senate of February 27, 1901, to investigate the cost of public arc lighting, submitted a report thereon.

He also, from the same committee, reported an amendment proposing to appropriate \$4,000 for grading V street from North Capitol street to Lincoln avenue, intended to be proposed to the District of Columbia appropriation bill, accompanied by a report, and moved that the amendment and report be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 4183) granting an increase of pension to Oceana B. Irwin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4374) granting an increase of pension to Abraham Shreeves, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9496) granting a pension to Forrest E. Andrews, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 5968) to authorize the promotion and retirement of the present senior major-general of the Army, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9592) granting a pension to Emily Briggs, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3442) to correct the record of John O'Brien, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9870) to correct the military record of Reinhard Schneider, reported it with an amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 11591) for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check, reported it without amendment, and submitted a report thereon.

#### STATUE OF MAJ. GEN. WILLIAM J. SEWELL.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, to report it favorably, without amendment.

Mr. KEAN. I ask unanimous consent that the joint resolution may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to deliver to the governor of the State of New Jersey, at Trenton, N. J., if the same can be done without detriment to the public service, such condemned bronze cannon as he may deem proper, not to exceed 15,000 pounds in weight, to be used in the erection of an equestrian statue to the memory of the late Maj. Gen. William J. Sewell, United States Volunteers.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6016) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. QUARLES introduced a bill (S. 6017) to establish a United States commissioner's court at Okmulgee, Ind. T., and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. DEBOE introduced a bill (S. 6018) granting an increase of pension to William J. Chitwood; which was read twice by its

title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 6019) granting a pension to John W. Jackson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6020) granting a pension to Charles L. Felch; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6021) granting an increase of pension to Esther D. Haslam; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 6022) for the relief of the estate of Augustus Catchings, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment relative to the construction and repair of barges, yard craft, and lighters for the transportation and handling of coal, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the bandmaster at the Naval Academy from \$1,080 to \$1,420, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BAILEY submitted an amendment intended to be proposed by him to the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### AMANDA C. MITCHELL.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Amanda C. Mitchell, mother of Phelps Mitchell, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

#### PREVENTION OF SALE OF INTOXICANTS.

Mr. PENROSE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the hearing before the Committee on Immigration on the bill (S. 3968) to prevent the sale of intoxicating liquors in immigrant stations and other public buildings be printed as a Senate document, and that there be printed 2,000 copies for the use of the Committee on Immigration.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. McMILLAN. I ask that the conference report which I made last night on the river and harbor appropriation bill may now be taken up for consideration.

The PRESIDING OFFICER. The conference report will be read.

The Secretary read the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

[The conference report appears in the proceedings of the Senate of yesterday.]

The PRESIDING OFFICER. The question is on agreeing to the report of the conference committee.

The report was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 2276) to fix the time of holding the circuit and district courts for the southern district of West Virginia.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

A bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution of the Senate for the appointment of a committee of conference upon the matter of the message of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and had appointed Mr. DALZELL, Mr. CANNON, and Mr. RICHARDSON of Tennessee members of the committee on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the bill (S. 173) for the relief of the owners of the British ship Foscolia and cargo.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 14189) to permit the occupancy of the Public Printing building by the Grand Army of the Republic; and it was thereupon signed by the Presiding Officer.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 28th instant approved and signed the following acts and joint resolution:

An act (S. 89) to construct a road to the national cemetery at Dover, Tenn.:

An act (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company;

An act (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga.; and

A joint resolution (S. R. 46) to provide for printing 5,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive.

The message also announced that the President of the United States had on this day approved and signed the act (S. 593) for the establishment, control, operation, and maintenance of a National Sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota.

#### HOUSE BILL REFERRED.

The bill (H. R. 14511) to authorize the relinquishment to the United States of claims and patented lands within the national parks in the State of California, and to permit the settlers and owners thereof to secure other lands, outside of said parks, in accordance with section 24 of the act of Congress approved March 3, 1891, was read twice by its title, and referred to the Committee on Public Lands.

#### CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate now proceed to the consideration of Senate bill 2295, being the Philippine government bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I yield to the Senator from Colorado [Mr. PATTERSON], who desires to make a request, and then, if the Senator from Alabama [Mr. MORGAN], who is entitled to the floor, will allow me, I have some amendments I desire to propose to the pending bill.

Mr. PATTERSON. Mr. President, I have an epitome of historical events and official and other communications in connection with the Philippine controversy which I had intended to ask unanimous consent to print in connection with my remarks, and I now make that request.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent to print with his remarks made on a previous day a certain document which he sends to the desk. Is there objection?

Mr. FORAKER. What is the nature of the document?

Mr. PATTERSON. An epitome of historical events and official and other communications connected with the Philippine controversy. They are perfectly proper, and I am satisfied that no Senator would make any objection.

Mr. FORAKER. I have no objection to the request, and only asked the question I have for information.

The PRESIDING OFFICER. If there be no objection, the permission requested by the Senator from Colorado is granted.

Mr. PATTERSON. I was going to make a further request, that by reason of the convenience they may be to a number of Senators, the matter I have submitted be printed as a public document.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

Mr. LODGE. Before the Senator from Alabama takes the floor, I wish to offer some amendments to the bill, to none of which, I think, there will be any objection. They are amendments agreed to by the majority of the Committee on the Philippines yesterday afternoon.

In section 1, on page 1, line 10, the last line on the page, I move to strike out the word "Philippines" and insert "Philippine Islands."

The amendment was agreed to.

Mr. LODGE. In section 1, on page 2, line 12, before the word "provided," I move to insert the words "and herein."

The amendment was agreed to.

Mr. LODGE. On the same page, at the end of section 1, I move to insert as a new section what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, after line 19, it is proposed to insert the following as a new section:

SEC. 2. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law, and that no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the right of habeas corpus shall not be suspended, except in cases of rebellion, insurrection, or invasion the public safety may require it.

That no ex post facto law or bill of attainder shall be enacted.

That no law granting a title of nobility shall be enacted, and that no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign state.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in said islands.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Massachusetts.

Mr. PETTUS. I desire to ask the Senator in charge of the bill if it would not be better to put into that amendment a provision securing the right of trial by jury?

Mr. LODGE. That amendment embodies the instructions to the Commission issued by President McKinley, and which are confirmed by the bill as it stands. The committee thought it better to put them in explicitly in words.

The right to bear arms and the right of trial by jury were omitted deliberately by the committee—the right to bear arms, owing to the disturbed condition that exists in the islands, and the right of trial by jury, because the committee were satisfied, on the testimony of Governor Taft and others, that the time had not yet come to compel the Commission to grant that. They have gone so far as to provide for what is known as assessors to sit with the judges. Governor Taft thought it was unwise, and he satisfied the majority of the committee of the fact that it was unwise, to go further at this time. Those two provisions were omitted from President McKinley's instructions and the majority of the committee thought it best not to embody them with the rest of the bill of rights.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. In section 3, on page 3, after line 21, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, on page 3, after the word "approved," at the end of line 21, it is proposed to insert:

Provided, That nothing herein contained shall be held to amend or repeal an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

The amendment was agreed to.

Mr. LODGE. In section 11, on page 7, line 15, after the word "provided," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 11, on page 7, in line 15, after the word "provided," it is proposed to insert:

Provided, That a single homestead entry shall not exceed 40 acres in extent or its equivalent in hectares.

The amendment was agreed to.

Mr. LODGE. In section 33, on page 17, line 13, being the first line of the section, after the word "under," I move to insert the words "the clauses of;" so as to read:

That proof of citizenship under the clauses of this act may consist, etc.

The amendment was agreed to.

Mr. LODGE. In the same line, after the word "act," I move to insert the words "relating to mineral lands."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 33, on page 17, line 13, after the word "act," it is proposed to insert "relating to mineral lands."

Mr. BACON. I ask that that may be read, so that we can understand how the language will read as proposed to be amended.

The PRESIDING OFFICER. The language will be read as proposed to be amended.

The Secretary read as follows:

SEC. 33. That proof of citizenship under the clauses of this act relating to mineral lands may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, or of the Philippine Islands, by the filing of a certified copy of their charter or certificate of incorporation.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. LODGE. In section 5, on page 31, after line 8, I move to insert as a new section what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 8, on page 31, it is proposed to insert as a new section the following:

SEC. —. That the beneficial use shall be the basis, the measure, and the limit of all rights to water in said islands, and the government of said islands is hereby authorized to make such rules and regulations for the use of water and to make such reservations of public lands for the protection of the water supply and for other public purposes not in conflict with the provisions of this act as it may deem best for the public good.

The amendment was agreed to.

Mr. LODGE. In section 64, on page 38, line 11, after the word "authorized," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 64, on page 38, line 11, after the word "authorized," it is proposed to insert the words "subject to the limitations and conditions prescribed in this act."

The amendment was agreed to.

Mr. LODGE. In section 65, on page 38, line 21, after the word "parcels," I move to insert the words "and in such manner."

The amendment was agreed to.

Mr. LODGE. In the next line, line 22, after the words "affect the," I move to insert the words "peace and," so as to read "affect the peace and welfare of the people of the Philippine Islands."

The amendment was agreed to.

Mr. LODGE. In section 65, on page 39, line 17, after the words "Philippine Islands," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 65, on page 39, line 17, after the words "Philippine Islands," it is proposed to insert the words "or any local authority therein or of," and strike out the word "and;" so that if amended it will read:

And said bonds shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands.

Mr. BACON. I should like to ask the Senator from Massachusetts whether the committee has considered the question of the right of Congress to exempt from taxation in the States bonds issued by the government of the Philippine Islands?

Mr. LODGE. The committee have considered that question, that point having been raised, and the committee were of opinion that, as we have made similar exemptions in cases of bonds in Territories, we were at liberty to do so in this case.

Mr. BACON. The Senator will note, Mr. President, that the question of precedent would not control that matter, unless it be a precedent set by the Supreme Court. While I do not assume, of course, to say definitely and positively that the committee is in error—and I would not assume to do that under any circumstances—I shall be very glad, before this debate ends, if the committee will indicate upon what rule of law that opinion is based. I will not ask the Senator to do it now, of course, but I hope he will do it before the debate closes.

Mr. LODGE. I shall be very glad to look into it, and of course the committee will be glad to do so, but the remarks of the Senator do not apply to the amendment which I propose.

Mr. BACON. I understand that.

Mr. LODGE. The amendment I propose simply relieves the bonds from taxation by local authority in the islands.

Mr. BACON. I understand that. I only took the liberty of calling attention to it now because my attention was attracted by the amendment.

Mr. LODGE. Certainly, the committee have had that point under consideration, and there really may be some doubt about it.

Mr. BACON. I am frank to say that my opinion is the other way; but, of course, it will not weigh in the balance against the combined opinion of the Senators composing the committee. I should like very much, however, to be enlightened on that question.

Mr. LODGE. In section 66, on page 40, line 4, after the word "prescribe," I move to insert—

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Chair understands that the pending amendment has not yet been acted upon.

Mr. LODGE. I thought it had been.

The PRESIDING OFFICER. The question is on the amendment which has been submitted by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. LODGE. In section 66, on page 40, line 4, after the word "prescribe," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 66, page 40, line 4, after the word "prescribe," it is proposed to insert:

subject to the limitations and conditions provided for in this act.

The amendment was agreed to.

Mr. LODGE. In line 5 of the same section and on the same page, after the word "purchaser," I move to insert the words "of any parcel or portion of said lands."

The amendment was agreed to.

Mr. LODGE. In section 71, on page 43, line 11, after the word "issue," I move to insert the proviso which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 71, on page 43, line 11, after the word "issue," it is proposed to insert the following:

*Provided, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, such municipality shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on such municipality.*

The amendment was agreed to.

Mr. LODGE. On the same page, in section 72, line 16, after the words "United States," I move to insert the words "first had;" so as to read "with the approval of the President of the United States first had."

The amendment was agreed to.

Mr. LODGE. In the same section, on page 44, line 2, I move to strike out the word "seven" and insert "eight;" so as to read "provided in section 68 of this act."

The amendment was agreed to.

Mr. LODGE. In section 75, on page 45, line 3, after the word "issue," I move to insert the proviso which I send to the desk.

The SECRETARY. In section 75, on page 45, line 3, after the word "issue," it is proposed to insert the following:

*Provided, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, such municipality shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on such municipality.*

The amendment was agreed to.

Mr. BATE. Do I understand that all the amendments which are being proposed by the Senator from Massachusetts have been considered by and reported from the Committee on the Philippines?

Mr. LODGE. They have been.

Mr. BATE. Very well.

Mr. LODGE. In section 76, on page 46, line 15, after the words "gross earnings," I move to strike out "or of net profits."

The amendment was agreed to.

Mr. LODGE. That concludes all the amendments I now have to offer. There are one or two more not yet decided on by the committee which may be presented hereafter.

I now ask that a reprint of the bill may be made as amended, and that the clerks may renumber the sections, as two new sections have been inserted.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senator from Massachusetts asks that the bill as amended may be reprinted. Is there objection? The Chair hears none, and that order is made.

Mr. MORGAN. Mr. President, there are some features of this bill which will cause me to vote against it, because I do not believe they are warranted by the Constitution, if they are not changed or have not been changed by the amendments which have been just offered and to which I have only had an opportunity of listening as they were read from the desk.

I approve the purpose of the measure and believe that it is a

decided improvement on the state of the law now controlling the islands of the Philippine Archipelago.

I am satisfied that the purpose of the bill is to secure good government in those islands and that it is neither intended to abridge the liberties of the Filipinos nor to promote the interests of any class or of any individuals who have or expect to have any special interests in the Philippines. Believing this, and that it is a decided movement in the direction of securing peace in the islands, I will support the bill by my vote if the features that I believe are unconstitutional are changed or stricken out.

My view of the situation is so well expressed in an editorial of the Birmingham News of May 8, 1902, a leading Democratic journal of Alabama, that I will quote it:

#### THE WAY TO PEACE.

It is a practical and not sentimental question presented in the Philippines. The situation in the Philippines has been much obscured on the one hand by the ill-considered attacks of those seeking political advantage and on the other by the indiscriminate partisanship of those defending the Administration. Brushing aside the rubbish, these facts stand clearly in view.

At no time since Dewey's victory at Manila could the United States escape the responsibility devolving upon it by that event without making itself the laughing stock of the civilized world and laying itself open to more serious complications with those countries that would be eager to profit by the distracted state of the islands. Nor can this country, with proper regard for national honor and humanity at this time, resign the peaceable and friendly natives to the cruel mercies of the barbarous insurgents. The country has put its hand to the plow and can not turn back.

If human testimony is to be believed, the insurgent Filipinos are past masters in the art of treachery and skilled workmen in the trade of assassination. Is it a wonder that at times *lex talionis* has been invoked?

No humane man can countenance torture or murder; but there is no evidence that either has been the policy of the American Army. "There are some brutes and weak men," to use the language of Governor Taft, "in the Army." Let them be punished, but in the name of honor and patriotism, visit not their sins upon the brave soldiers and civilians who are risking health and life for the flag of their country.

Humanity, honor, and duty combine to hold the United States to its course. Peace in the Philippines is to be desired. It can be obtained in but one way, and that is by subduing the insurrection.

The insurrection can not be subdued by declaring that it is a war for liberty, and that the "past masters in the art of treachery and skilled workmen in the traffic of assassination" are noble patriots at war with a brutal oppressor.

The insurrection is broken and will cease to exist, as it exists now only in the form of predatory warfare, if Congress is firm in the duty of providing for the Filipinos just government in accordance with those constitutional principles that are the vested rights of American citizens.

The ladrones and bolomen, who are kept in the field by conspirators who employ them as bushwhackers, will quit their brigandage when their employers are convinced that they are to receive no encouragement from our divided counsels and heated antagonisms. They do not seem to realize the fact, or else they do not believe it, that we intend to establish peace, law, and good government in the Philippines. They do not comprehend as we do, and as we playfully practice it, the great science of practical politics.

We know that good, firm, sincere, and permanent government is demanded by every interest in the Philippines, and that Congress and the people will maintain it.

At this critical moment we should not venture to introduce into this measure or to leave in it any new or doubtful principle of government. And Congress should not resolve itself into a court of inquiry or a court-martial, as an incident of this legislation, to try officers of our Army who have not been summoned to answer charges that are not preferred against them in due form, but are made in the heat of discussion.

That is not "the way to peace in the Philippines," and no such issue necessarily arises upon any part of this bill. The matter is only collateral, and conceding all that has been charged against the officers of the Army in this debate for the sake of the argument, if it is all just it only shows in a clearer light the duty of Congress to provide a better government for the Philippines.

The question of our title to ownership and sovereignty in and over the Philippine Islands, at least in a moral sense, is put in issue by the substitute offered to the bill by the minority of the committee.

As I am convinced that the United States has a perfect title to those islands in morals and in law, I could not vote for that substitute, even if it was so framed as to be in accordance with the principle on which it is based.

We have a plain and simple alternative that is not and will not be presented for the decision of Congress. It is this: If the treaty of Paris is a burning torch, a consuming fire that is destroying the people of the Philippines and is also threatening general conflagration in the States, let us extinguish it by repealing that treaty in so far as it relates to the Philippines. If we are not ready to do this, let us go along in the simple duty of executing the treaty and creating good government in the territory it cedes to the United States.

The treaty of Paris was ratified on the 6th day of February,

1899, and an insurrectionary attack was made on the Army of the United States at Manila on the 4th day of February, 1899, before the vote of ratification was had in the Senate.

The United States was in the military occupation of Manila under agreement with Spain to protect the city and the people pending negotiations for peace between belligerents and had refused to permit Aguinaldo's forces to occupy the city.

Whether the attack of February 4 was intended to prevent Spain from ceding the Philippine Archipelago to the United States or to prevent the United States from accepting the cession, it was wholly ineffectual. It did not intercept or defeat the power to pass the right of dominion from one sovereign to the other, either by conquest or agreement.

In point of military strength it had little force, and in point of international right it had none, for no nation had recognized the so-called Philippine republic as being in legal existence, even as a de facto government.

If Aguinaldo had in fact driven Spanish dominion from the archipelago so that it was no longer sovereign there, did he also destroy the power of the United States, under the laws of nations, to hold Manila under the peace protocol of August 12, 1898? If so, he worked a miracle in the development of a national power that no other man ever attempted. If Spain was unable to cope with his forces it does not follow that he could destroy by an edict the power of the military and naval forces of the United States that had sunk Montejó's fleet and occupied Manila.

Whether we bought the sovereignty or conquered it, what we did was in strict accordance with the law of nations.

The sovereignty unquestionably was in Spain when the cession was ratified by the vote of our Senate, and no existing power or recognized right had interposed to prevent the cession.

The case is like that of Mexico when we acquired sovereignty over a vast area by the treaty of Guadalupe Hidalgo with force and arms and by purchase, although contending factions in that Republic denied the power of the existing government to make the cession.

There is not enough in the pretensions of Aguinaldo to authorize me to regard that cession of sovereignty as being void.

The treaty of Paris being obligatory, it must be obeyed until it is repealed or abrogated. As no such movement has been instituted or even threatened, I must still regard that treaty as being in full force and effect.

I find in that treaty several continuing obligations and guaranties that the United States is bound to execute. Among these is the protection of the property and safety of Spanish subjects in their persons and business vocations and in the freedom of religion and the right of the people to choose their nationality. I find also an obligation that "the civil rights and political status of the native inhabitants in the territories hereby ceded to the United States shall be determined by Congress."

This novel provision has a deep significance to those people. It means that they shall not remain permanently under the government of military rulers in accordance with the laws of nations.

Congress must provide civil government for them, and this obligation continues while we hold the islands. I am in favor of legislation by Congress because we have agreed to provide it.

A term of ten years is also provided by Article VI of the treaty, during which we guarantee that Spanish subjects and ships shall have equal rights with citizens of the United States in Philippine ports as to tariff duties and charges on shipping.

That period has not expired, and it will be more prudent to discuss the emancipation of the archipelago from American authority when that time has elapsed. Until that event we are bound to hold the entire archipelago in order to comply with our treaty agreement. So that those people must put up with the alleged inferior quality of liberty and the slavish dependence that the United States has bestowed on 45 sovereign States of this Union for ten years at least, or we must violate our treaty with Spain.

It seems to me that this condition might well have postponed the discussion of our future duty to the Filipinos, in respect of their emancipation from the supposed hardships of our dominion, until we could be at least safe in making them free.

Looking back to the day of the ratification of the treaty of Paris, I am forced to ask myself the question whether my vote for ratification has been justified by the events to which that treaty gave birth. I voted for the treaty of Paris as it came from the hands of the negotiators, without amendment or explanation, and I voted against all resolutions that attempted to attach conditions to that treaty, believing that if such conditions were proper to be attached to its execution the treaty should not be ratified.

The question I ask myself is forced upon me by the attitude of some of my fellow-Democrats, who charge that the administrative history of the Philippines has been nothing but evil and is due to the policy that is called "expansion," as a natural if not a

necessary result, and that the vote for ratification of the treaty of Paris carried with it these inevitable consequences.

It was at this point that the line of separation was established, when the treaty was ratified, which to-day is the line that separates the friends of the treaty from its opponents. The opponents of the treaty reproach its friends for having supported it, while they do not propose to repeal any of its provisions. They place the whole question in the shape of a national curse that is irrevocable, when they could get rid of all the alleged evils by repealing the parts of the treaty that relate to the Philippines. Of this they seem to be afraid. They do not offer to repeal or abrogate the treaty.

I might answer, in reply to these reproaches, that no evil consequence has resulted from such growth, either to our Government or to the inhabitants of those countries affected by it, and I might excuse the mistake, if any was made, by pointing to the fruits of our expansion in the occupation of Oregon by the Clarke and Lewis expedition; or in Alaska, by the purchase of that wonderful region of the reserved forces of nature from Russia; or in Mexico, by a war that still seeks justification in some great national necessity; or in Hawaii, as an act of paternal affection, and in Porto Rico, which has been made happy by our free institutions, and has even been granted the extraordinary power of repealing a tariff law enacted by Congress.

To justify any apparent misfortune in the case of the Philippine Archipelago, I might also point out the success of those wonderful strides that have resulted from our honorable desire for national growth; and I could refer to a cloud of witnesses in the newer States that have assembled around the old thirteen to testify in favor of this established Democratic policy that has made the grand Republic stronger and more glorious with each accession.

But no mistake has been made in pursuing this established national policy. There is no evil that can be justly attributed to it, and no injustice, in comparison with the vast amount of good that has resulted from it, and no hardship, except such as must attend every human effort in the great task of civilization that the Creator has laid upon us.

I would add to this great testimonial in favor of the beneficent growth of our national influence the glorious congregation of sixteen great Spanish-American Republics, from Mexico to Patagonia, that rejoice to-day in the consecration of Cuba to sovereign statehood, and to our own costly preparations to celebrate the centennial of the annexation of the Louisiana purchase.

I do not choose to find excuses for my vote for the treaty of Paris in these great Democratic and Republican precedents, or in the power and honor they have contributed to our Government, or in the blessings we have conferred on Alaska, Hawaii, Cuba, and Porto Rico.

Neither do I plead the necessity of the case, as I might well do, in selecting between the Paris treaty and a renewal of the war with Spain, after a peace of six months, with our armies disbanded and with the prospect of all Europe making common alliance against us.

I do not retort upon my accusing brethren that they did not attempt to amend the treaty of Paris by striking out all of its provisions that related to the cession of the Philippine Archipelago to the United States. An effort was made to amend the treaty so as to place these islands on a footing with Cuba, but the Senate voted it down, and no effort was made to abandon them to Spain or to repeal the cession of them to the United States.

I excuse those who now see a fatal policy in that cession, and thought they saw it then, from all accusation of weakness on that occasion, and I still excuse them for not trying to repeal that cession, when we know that the success of such an effort would throw the people of these islands back into the arms of Spain, whose tyrannies have made them its unforgiving enemies, and would have dishonored the policy on which that war was declared.

To have crowned such a war, waged for such generous purposes, with such a result would have dismayed stronger hearts than those even that beat in the bosoms of my Democratic colleagues.

I claim no excuse or justification for my vote for the Paris treaty, except that it was essentially right. I have no doubt that it will prove to be right that we have annexed the Philippines in the sense that it is profitable commercially, and that it will be the future home of millions of our countrymen. But this belief had no influence on my vote, and I do not wait for that justification. I need not wait, for the justification is already recorded in history.

Why was this annexation essentially right?

I will not answer this crucial inquiry by any effort at prophecy or by claiming that it was a duty devolved upon us by a special Providence.

I may believe, with perfect faith, in such divine leadership of nations and in our duty to follow it, but if such an attitude is assumed as an answer to any question that men have to decide, it

must be supported by existing facts that all reasonable men can comprehend and not by prophecy or conjecture or any assumed inspiration as to the unknown.

On the facts that none can dispute I believe that it would have been no less a moral delinquency to have turned the people of those islands over to Spain than it would now be if we should turn them over to the men who will rule them if we should withdraw our sovereign authority from those islands.

I will say, then, that it was essentially right to annex the Philippines, because any other course would have been essentially wrong, on the basis on which we declared war with Spain, as it was expressed in our acts of Congress.

On that basis, and for the same reasons, we acquired Porto Rico and the Philippine Archipelago, in the same terms and in the same treaty of Paris, without consulting the people of either country or making them any pledges of future independent autonomy.

If it was right thus to acquire Porto Rico, it was equally right to acquire the Philippines; if it was a duty we owed to the people of Porto Rico to extend our sovereignty over them, it was a much plainer duty that we owed to the people of the Philippine Archipelago, in the condition in which we found them.

If it is our duty to permit the Filipinos to establish, now or hereafter, an independent national government, or to pledge the national faith that they may establish such a government in the future, it is equally our duty to make a like pledge to the people of Porto Rico and Alaska.

If the people of the seceded States in 1861 could have appealed to such a pledge on the part of the Government of the United States, or to the principle on which it must be based, that every people have the right to ordain for themselves the government they choose, the American Union could not have withstood the shock of the secession of the eleven great States of the South.

The doctrine of the right of these organized and sovereign States—four of which assisted in forming the Union—to resume their independence was settled against the States of the Union by the events of the terrible war that followed. So that, to settle that question in the organic laws of those States, nearly all of them have amended their constitutions and expressly disavowed that right.

I was a member of the Alabama convention that declared the independence of that State and resolved to withdraw from the Union, and voted for the ordinance of secession.

I was a soldier in the Confederate army that endeavored to sustain that right, and no soldier of the Revolutionary Army of 1776 was moved by a more patriotic sense of duty than I was in the service I was able to render.

Until my State, to which I owed and still owe the highest allegiance, changed its attitude on that subject, I was bound to the declaration that a sovereign State of the American Union had the right, for just cause, to withdraw from that Union. I held that the right to withdraw was an indispensable element in its recognized sovereignty.

I stood upon the doctrine of the sovereignty of the people of a State, organized in a sovereign government and represented by persons of their own selection, to institute government that they believed to be best suited to their prosperity and happiness.

I never thought that a Territory of the United States could possess such sovereign rights before Congress had authorized the people there to form such a government, and now I am compelled by the action of Alabama to deny to the people of a Territory, when organized as a civil government, the right to withdraw from the sovereign jurisdiction of the United States. Of course, we can not turn them loose as a wild, unorganized mob.

I must go still further, and deny that Congress can grant to any State, or to the people of any Territory, a right of withdrawal from the Union or from the jurisdiction of the United States and still hold Alabama bound in irrevocable bonds to the American Union. If this privilege is granted to one it must be granted to all alike.

I can find no authority for conceding rights to the Philippines that Congress must refuse to grant to Alabama.

The substitute proposed to this bill by the minority of the committee demands that at some future period the right shall exist in favor of the people of the Philippine Islands to receive their separate, sovereign independence from an act of Congress.

As the corollary of such right, if Congress should refuse to vote their independence when they conceive that the time has arrived when they are fully entitled to the performance of such a pledge, they would have, at least, the moral right to enforce their admitted legal rights, even by a resort to open war.

What would be thought of me, as a Senator, if I should copy the language of the pledge that is in this substitute, in a joint resolution, to provide for the future independence of Alabama, that is already sovereign, and is in full exercise of autonomous government? Who would rise here and assert that such a measure was within the delegated powers of Congress?

If I should keep my seat in the Senate after such an effort, I would have no hope of remaining in the Democratic party as a respectable member.

If I should state in the preamble of such a resolution that the people of Alabama are and of right ought to be free and independent, it would inspire the resolution with a trite but noble sentiment that would add nothing to its force as a sensible proposition. It would fall before the question, Has Congress the power to make such a pledge to Alabama? Which answers itself; and I could never answer the other question that is deep rooted in the nature of things, Why does Alabama desire a better form of government, or a more complete independence, or greater security against foreign invasion or domestic usurpation, than her people have, as a sovereign State of this Union? Alabama never desired, or sought independence, except as a means of protecting her rights under the constitutional guaranties of justice.

As to the people of the Philippine Islands, if that term by any euphemism or reckless abuse of speech can be applied to the few Tagalogs and Visayans that followed Aguinaldo, among the 8,000,000 inhabitants of the archipelago, they never had a pretense of organized civil government that was, in fact, based on the suffrage or even the implied consent of the whole people of these many inhabited islands.

This fact at once destroys the pretension that an organized civil government other than that of Spain ever existed in those islands before Dewey attacked the Spanish fleet, and as to its being republican in form, that idea is extinguished, unless a republic, which must be based on the will of the people or the consent of the governed, can be created by the edict of a single man.

As a military dictator, if Aguinaldo was such, his warfare was not for liberty, or national independence, or the overthrow of monarchy, or for republican institutions. It was a war for church reformation, a religious war, a sort of holy war with the secular priesthood—the friars—who stood next to the Crown and collected the taxes. There was no complaint as to the authority of the church, or that its altars had been profaned, but that the sacrifices demanded were exorbitant and the roast meats left over were not fairly divided.

His war was against the friars, because their exactions were tyrannical and their morals were depraving. He demanded their expulsion, because they were merciless toward the people, but he did not demand the overthrow of the church that licensed them or of the State that profited by their exactions upon the people. When he got an alleged promise of their expulsion, he was content to expatriate himself, on receiving 800,000 pesetas, of which half was paid him.

When we went to war with Spain a certain class of people—not one-fifth of the population of the archipelago—had recently been in this state of insurrection in two or three of the principal islands of the group, of more than a thousand in number, against Spanish authority exerted against them in an oppressive way by the secular priesthood of the established church. They had slain these friars by hundreds and had burned church property and inflicted upon communities the horrors of internecine warfare.

After Aguinaldo and his few followers were driven into the mountains Spain entered into a capitulation with them, in 1896. In that capitulation amnesty was granted to the insurgents on condition that they would surrender their arms and return to peaceful vocations, which they did; and if Aguinaldo's contention is true Spain agreed to banish the friars from the islands, which that Government failed to do.

Aguinaldo and his associates in the leadership of this insurrection took a large part of \$1,000,000 paid them by Spain to induce them to leave the islands and went into banishment, with a promise not to return to the islands. There was an actual condition of peace in the islands, by formal capitulation, when we declared war with Spain, yet there was lurking hatred on the part of the banished insurgents, and a few of the Filipinos continued an irregular warfare for personal advantage or revenge. Their chief was in voluntary exile, and a few ladrones were pillaging for a living.

Aguinaldo spent much of the money paid him by Spain for peace in the purchase of munitions of war, intending to renew the conflict when opportunity should offer, and alleging the breach of the capitulation at Biacnabato as his justification. It is not necessary to inquire into the honesty or propriety of his purposes; but it is true, beyond question, that he made no active preparation to renew his warfare until Dewey had captured Manila.

After Dewey destroyed the Spanish fleet he had no troops with which to occupy and hold Manila, and it stood him in hand, as a lawful expedient of military strategy, to permit Aguinaldo to return to the islands, to assist him to hold in check the Spanish forces. If a precedent was needed to justify this strategy of war, it was found in a like situation in Cuba and Porto Rico, but much more in point in our war with Mexico.

General Santa Anna had been banished from Mexico for political

crimes, and we brought him as a national guest to New Orleans on a man-of-war and sent him to Mexico to weaken that sister Republic by political agitations. We did not make him President, but he claimed that the Mexicans did, and he immediately waged war against us with great ability and heroic valor. He was apparently our ally, but, in fact, our enemy, as Aguinaldo was, and every other Spanish subject was, under our declaration of war with Spain.

It is unjust to Admiral Dewey and is not complimentary to our own judgment as men of affairs that we should applaud Aguinaldo as a patriot, burning for the liberties of his people, who was misled and betrayed by Dewey when he was permitted to come to Manila. It is absurd to censure Dewey for refusing to recognize Aguinaldo as the president of a sovereign government in the Philippines. Had he done so he would have given aid and comfort to the declared enemies of the United States. This was the legal attitude of Aguinaldo and every other Filipino as it was created by act of Congress—the declaration of war—and Admiral Dewey had no power to change it.

Before Dewey left Hongkong for Manila Aguinaldo was secretly alert and active to find an opening to renew the conflict with the friars, but he did not dare to make the attempt openly. As soon as Dewey destroyed the fleet and suppressed the power of Spain at Manila, the embers of insurrection and the desire for pillage again burst into flame, and we then had the double necessity, created by the success of our arms, of driving out the Spanish sovereignty and also of preventing and suppressing internecine war in the islands between Aguinaldo's followers and other Filipinos, such as the Macabebes.

Dewey believed that Aguinaldo was sincerely devoted to the success of American arms and had no reason to suspect that he was only a self-seeking adventurer. He was cautious and careful, but he had not seen the capitulation of Biacnabato and had no just standard by which to measure Aguinaldo's character.

The permission given Aguinaldo to return to Luzon may have been a political mistake, but it was not an alliance between two governments, created by the act of a commodore of the Navy. Neither was it the crime of giving aid and comfort to the enemy. It could be nothing more than putting deserters into our line of battle.

If Aguinaldo intended to return to the islands and organize a government that was independent of the United States and of Spain, why did he ask permission of Dewey to return? The coasts of all the islands were open to his return if the people stood ready to join his standard and strike for independence. If he had such a purpose, he concealed it from Admiral Dewey.

No phase of our relations to the Philippine Islands has been so distorted by misconception as the undeserved consequence that is given to the alleged patriotism, influence, and power attributed to Aguinaldo as a political or popular leader of the Filipinos at the time of his return to Manila or at any other time. He has not, at any time, been the master of any situation in which he has figured. He has been a convenience to men of ability in working out plans that they have projected and were afraid to fight over, and there his consequence has ended.

While the insurrection of 1897 was progressing, and at the time of its beginning, Aguinaldo was one of several leaders in the military operations, but he was, at all times, under the control of Mabini and of those associated with him in organizing and controlling the revolt. They are able and learned men, who at least would have set up the form of civil government *de facto* in opposition to the sovereignty of Spain, and would have asked recognition of such from other governments if they had contemplated a struggle for independence. But they never reached that point, and they abandoned the revolt when they found that Aguinaldo had no such support from the people, who were divided into discordant factions, as could sustain an army with supplies, or increase its forces, or even recruit its losses when occasioned by casualties, sickness, or desertion. After a short, sharp struggle the insurgent forces were driven to the mountains, and Aguinaldo made the capitulation of Biacnabato in December, 1897.

I will submit a translation of that capitulation, captured by our Army, and ask that it may be printed as an appendix to my remarks.

Señor Paterno, a native of the islands and a devout loyalist, visited the camp at Biacnabato, to which Aguinaldo had escaped, and Aguinaldo, as leader of the insurrectos, intrusted to him the terms upon which he hoped that the fighting could be ended and amnesty obtained from the Spanish Government.

A paper was drawn up containing the terms of submission upon which Aguinaldo would surrender on the pledge of Spain to grant amnesty to his followers, and it was signed by Aguinaldo and two others of the military leaders. It was a power of attorney in effect to Paterno, authorizing him to conclude a capitulation with Captain-General Estrella. In pursuance of that authority, Paterno and Estrella agreed upon the terms, and Aguinaldo accepted

them and the money to be paid him and his companions, and they went on a Spanish ship under safe conduct to Hongkong.

In the preparation of this power of attorney the effort was made to secure the incidental recognition of Aguinaldo as president of a republic, and some recognition of the existence of a governmental organization was attempted to be imported into that instrument, but they were all stricken out. In like manner a demand for the deportation of all friars was stricken out. The paper was signed in his own camp and taken by Paterno to Estrella. It contained such humble and supplicatory acknowledgments of submission to Spain as could only come from a contrite rebel or one who was well paid for a feigned humiliation.

A programme for carrying out the capitulation was then arranged with cautious particularity, which was also signed by Aguinaldo after it had passed under the scrutiny of careful negotiation.

It provided for the payment of 1,200,000 pesetas to Aguinaldo, of which he was to distribute 600,000, through Paterno, to his fellow-insurrectionists, excluding such as were not his followers, and the rest was payable to him in notes or drafts, to be handed over to him after he had escaped to a place of safety.

These notes were to be paid when he should notify the Government by cipher telegram that he had reached Hongkong, and from that place he was to notify his troops that the insurrection was at an end and that they were free to return to their homes.

He was afraid to confront the people he had led into insurrection, and accepted Spanish protection for the safety of his person and Spanish pesetas for the comfort of his conscience.

He left the islands by the permission of Spain to work out the penalty of his revolt and to "bring fruits meet for repentance" if he should ever return.

When Spain got into war with us he returned to the Philippines as the professed friend of the United States, by the permission of Admiral Dewey, and at once set up the title of president of the republic of the Philippines, which he had abandoned in the capitulation of Biacnabato. He then inaugurated, by his personal edict addressed to the people, the absurd pretense of a sovereign and supreme government, to the exclusion of all sovereign rights of Spain then at war in the capital of the islands.

Æsop's fox, in the fable of the fight between the lion and the bear over a captured carcass, represented the whole breadth of Aguinaldo's policy, in his effort to steal the prey from the contending forces, and it exactly typifies the individual selfishness of his raid. The laudations of his alleged patriotism and heroism that have been poured out in his honor here and elsewhere in the United States are as much out of place as if they had been uttered in honor of the fox in Æsop's fable.

That he was useful in obstructing the Government of the United States in a duty that it was compelled to perform is sadly true, but he was only a convenient instrument in the hands of conspirators to create antagonism to a wise, just, and necessary work that was also unavoidable. If Aguinaldo had died, another agent would have been found, for the junta at Hongkong have not committed to his personal fortunes the fate of their conspiracy to wrest the Philippines from the United States.

The fact of the existence and activity of this junta is established by the continuance of the war by ladrones, assassins, and pillagers after the leaders and all organized forces have surrendered.

These scattered bands of marauders, who attack their own people with a fierceness and cruelty that they do not dare to attempt toward the forces of the United States except when they are prisoners, are not fighting for liberty, but as the savage tools of the junta at Hongkong, whose members stalk through the United States at will and purchase munitions of war from our own people.

Agoncillo was here to send the electric message that would touch off the guns of Aguinaldo at Manila before the day the vote was to be taken in the Senate on the treaty of Paris. He escaped suddenly to Paris, when no one was pursuing, and he has been promoting war against the United States in the Philippines from that day to this, aided by others who have money and influence.

On the basis of our declaration of war with Spain, of which the battle at Manila was the first, it was impossible that we could abandon the prestige and the fruits of the victory won in that battle, or that we could leave the people within our military command exposed to civil, internecine war among themselves or the foreigners in Manila exposed to the dangers of sack and pillage.

If it had been possible, under other conditions, to abandon these islands to the perils of such an insurrectionary war, or if we had taken the dishonorable risk of leaving the people of other countries resident at Manila exposed to the dangers of rapine and pillage, after destroying the power of Spain to protect them, which would have aroused the whole of Christendom against us, there were still other American reasons that compelled us to complete the conquest begun at Manila, and to hold all the islands subject to our power, if we should be successful in our war with Spain.

I must declare my conviction that we would have reversed the most sacred and holy principle in our system of government and the real glory of our independence if we had abandoned Dewey's conquest of Manila without securing religious liberty to the islands of the archipelago. I must, on my conscience, further declare that, until freedom of religion is established in the island of Mindanao and the Sulu Archipelago, it will disgrace the United States through all the yet unwritten records of history if we withdraw our sovereignty from those islands.

The American reasons are twofold, and in both aspects they are irresistible to the people of the United States, why we could not abandon the Philippines to Spain, or to any other monarchic power, after our right by conquest was established in the archipelago.

Our relations with Spain have been peculiar and exceptional for three-quarters of a century.

Spain is the oldest survivor of the Bourbon monarchies of Europe, and has lost nearly all her foreign possessions in conflicts engendered by the conflict of despotism with the principles of this great Republic.

We have abstained from acquiring territory at her expense that the fortunes of war have placed in our reach, even in Cuba, but we have not relaxed the principles of government that have lost her all her dominions in America.

In a war with Spain, based upon the tyrannical oppressions of her monarchic system, when the fortune of war placed one of her persecuted provinces in possession of the United States, it was more than any Congress dared to do to abandon that province to Spanish control, and to permit the restoration of that monarchic power. This was more than any of my Democratic colleagues dared to avow or propose as an amendment to the treaty of Paris, and they are such intrepid men that I can leave this discussion at that point and declare that it was impossible.

The law of this Republic is, that any area of country that has once been within the declared and recognized sovereign power of the United States can never become subject to monarchic rule while we have the ability to prevent it.

Iturbide was Emperor of Mexico, but his dynasty crumbled to dust in the presence of the principles of republican government that Mexico borrowed or inherited from our organic law. Maximilian, with great States of Europe at his back, was crushed by the weight of this silent but all-prevailing power.

It was never true, and it is not true now, that the United States will consent that territory once within our sovereign jurisdiction shall be turned over to any other than a government republican in form. So the Philippines are forever dedicated to republican government by our war with Spain. What else may happen, a republic will exist there while we exist.

The other American principle that compelled us to hold to the Philippines was that we, as a people, having decreed the absolute divorce of church and state, could not afford to commit any people who might fall within our power to an internecine war in which an established church is in armed conflict with dissenters or nonconformists. We were forced to compel the keeping of the peace between the insurgents and the friars, and could only do so by assuming sovereignty over both the warring parties.

It would be a terrible reflection to republicans of the American type and to the followers of Thomas Jefferson in political belief that the United States should be in the occupancy of a country consecrated to religious intolerance and after it had admitted to such a country a day's sunshine of the freedom of religion it should turn that country back to a sovereign power that would instantly put out that light and remand the people to the fetters of an established church. It is for this that I must plead my excuses to my Democratic brethren for insisting that this cardinal principle must be permanent in the Philippines.

With the friars in the Philippines, and their vast accretions of land—the wash of the tears of the people—left unprotected against the raids of Aguinaldo and his associates, we can readily see that the renewal of the struggle of 1896 would soon have desolated the islands of Luzon and Negros, as well as other islands, without giving any real protection to the freedom of religion or against future governmental oppressions. It was our unavoidable duty to prevent that.

Spain protected the church and its possessions as an integral part of the Government. When the power of Spain was destroyed, it became the duty of the United States to protect the property of the church against seizure and confiscation by the insurgents, and the people against the secular powers of the established church.

In the constitutions promulgated by edicts of Aguinaldo the freedom of religion was claimed, but not the divorce of church and state, and it is beyond denial that the Spanish Government, with the moral and material aid of the established church, would never have permitted the realization of that dream through the unaided efforts of the insurgents. Aguinaldo could no more have

escaped from or defeated the power of the established church than he could, unaided, have withstood the power of the Holy Alliance. It was our arms that divorced church and state in the Philippines, a task that Aguinaldo could never have accomplished, even if he had ever attempted it. It has been all the time and is still impossible to divorce church and state in the Philippines, except through the sovereign power of the United States.

This principle is worth as much to the people of the Philippine Islands as it was worth to the Hollanders, as the result of the eighty years of war with Spain, and I do not know why it is not as much to the glory and honor of the people of the United States to have established free religion in those islands, beyond the power of men to destroy it, as to establish the principles of independent republican self-government in the 16 Spanish-American States.

I know of no part of the American plan of republican government that stands above the freedom of religion in the grand schedule of civil liberties, either in dignity or value.

If my vote for the treaty of Paris should prove to be my death warrant as a Democrat, my tomb will not be dishonored if it has the inscription, "The freedom of religion," that Thomas Jefferson wrote for his own tomb as the most cherished work of his great career.

When through the ages past and to come the horrors of the eighty years' war, with the martyrdoms and burnings at the stake, are counted against the glories that were thus earned in their emancipation from the power of this same established church, the noble Hollanders are and will be almost the envy of mankind, that they were called to suffer and die so gloriously.

They were not 4,000,000 people, and yet shall we forget that we have emancipated 8,000,000 of people from the same bondage, with the slight sacrifices we have been called upon to make?

Whatever else may or may not happen to the Philippines, we have dedicated those islands to the freedom of religion; we have unshackled them from the dominion of an established church, and no power will ever exist that can undo our work or remand them to that servitude, through the agencies of political or military power. I can not regret a vote in the Senate of the United States which God has blessed with such imperishable good.

Our Revolutionary struggle was not all political. It did not relate solely to taxation without representation or to ship duties or embargoes. What we most desired was freedom of thought, speech, sentiment, and religion.

As this self-assertion is related to government, we call it independence; as it is related to personal rights, we called it liberty, and the first demonstration of liberty of action was addressed to the highest and noblest privilege and duty of man—the right to worship God according to the dictates of conscience. The Revolution was not complete until the freedom of religion was established in the organic law.

If I should indulge an expression of my personal convictions as to the providential lead in this movement, I would go further and point out the first conflict of arms between the Moslems and the American Christians only three weeks ago, in which the followers of Islam have had their first lesson, which may prove to be the final one.

It might be, and it is my right to believe it to be true, that the tidal wave of the sentiment of resistance to wrong that was forced into movement by the exactions of an established church in Cuba has swept across the Philippine Archipelago and has reached the followers of Islam in Mindanao, and has established there the principle that it is not safe to human liberty that the alleged divine power and the secular power should be united in the head of any human government.

While I ponder, with a sad heart, the evils and abhorrent incidents of war, especially a war with an ignorant and a superstitious people, and while I have no tolerance for cruelty inflicted in the name of war, of which I have witnessed much, I can see that the people of the Philippine Islands are much further advanced toward deliverance from their troubles and infirmities than they were when Dewey fought in the Bay of Manila. I can see that an established church and government by edict have been forever banished from the islands.

This experience has been made harsh through disobedience to proper authority. That is always to be deplored, because it is needless and unwise, and causes the innocent to suffer with the guilty, but I suppose that it is not difficult to understand how a Jewish philosopher like the great Gamaliel could reconcile himself to the wars of extermination, whose history is recorded in the books of the Old Testament, when he reflected upon the great events for which they prepared the way.

But it may be said that the war in the Philippines shows no element of Christian charity, or of mere humanity, yet the necessity may, possibly, excuse frail humanity for its excesses.

The armies of Moses and Joshua were often led by the Lord of Hosts, and must have been right and needful, yet the holy wars of the Old Testament were the most cruel and relentless of any

that history has recorded. They were wars of preparation, and such wars are always apportioned in their severity to the value of the results that follow them.

So Joshua smote all the country of the hills and of the south and of the vale and of the springs, and all their kings; he left none remaining, but utterly destroyed all that breathed, as the Lord God of Israel commanded.

If our military officers have been cruel in warfare they will be held accountable; but they did not create the evils that they have tried to suppress with too heavy a hand.

Our sufferings, as a people, in the war with Spain have been almost inconsiderable, because, I suppose, we have not deserved to suffer more in an honest and impartial effort to benefit others.

No hundred days of public war between powerful nations was ever followed by events of such importance to the world or to our own country, not even the hundred days of Napoleon's last campaign.

In the pride and glory of this marvelous success we have not offered a cup of bitterness or humiliation to any human being.

Much has been alleged that imputes to the Government a purpose to enrich its favorites at the expense of the people of the Philippine Archipelago. I feel that simple justice requires me to express my dissent to that statement. It is not sustained by the facts. On the contrary, there is a feeling of distrust toward men of enterprise and capital that is calculated to injure the islands by keeping the public lands unoccupied and by keeping out of the world's commerce the productions that would make its islanders prosperous and contented.

The day has passed in which large and fertile areas can be set apart to the occupation of those who live on the spontaneous productions of a rich country. The new day of the world's progress, in which nature was no longer the slave of the savage, dawned upon the coasts of the North Atlantic when the Pilgrims landed at Plymouth Rock, and upon the plains of the West when the chief—Chicago—surrendered his hut to the white man, who has followed it with a city that is greater in its power than the greatest cities of ancient times, and is yet in its infancy.

We look back upon these marvelous works with boundless pride and with no misgivings of conscience; yet we look forward to further progress in the same direction, with alarm at the toilsome and dangerous way that opens before us. And still we are marching forward.

In the history of this continent events have shaped the policies of our people that were beyond their control, and the people have responded to their requirements beyond the restraint or the control of the experts in statecraft.

The establishment of a rude home by a pioneer, in some attractive spot distant from the settlements and the murder of his family by the Indians, have often been the cause of the rapid development of great areas into a habitable and fruitful country. When he sought the privilege of supporting his family where the hand of nature promised kindly help, he was innocent of wrongdoing, and was ignorant of the great forces that his silent march in the wilderness would put in motion.

When Dewey was at Hongkong, on the 25th January, 1898, more than three months before the battle of Manila, a message was sent him by cable:

DEWEY, Hongkong:

Order the squadron, except the *Monocacy*, to Hongkong. Keep full of coal. In the event declaration of war Spain your duty will be to see that the Spanish squadron does not leave the Asiatic coast, and then offensive operations in Philippine Islands. Keep *Olympia* until further orders.

ROOSEVELT.

It was the fleet, made ready under these orders, that fired the guns that were heard around the world.

The prescience that included in that order the duty of defending our Pacific coast and of making an attack on Manila had no more reference to conquest than the writer had to the fact that he afterwards as the President of the United States would thereby become the military or civil ruler of the Philippine Archipelago.

Yet in the event of war with Spain that order covered the whole field of strategy and drew after it the inevitable necessity of governing the Philippines, if Dewey should be successful in his offensive operations.

Admiral Dewey's movement began at that point and under that order, and it ceased when he turned over the government of the islands to the civil and military authorities of his Government.

The islands were full of Indians, as our country was when Washington surrendered his commission at Annapolis. And it would be quite as just to say that the Constitution of the United States was a barbarous edict because it provided for the government of the Indian tribes through regulations of commerce by acts of Congress as to contend that the purpose of the Government was robbery in assuming sovereign rights over the various tribes in the Philippines.

Those people are, some of them, no higher in civilization than our desert tribes of Indians, and none of them are higher in any

respect than some of our civilized tribes. Indeed, considered ethnologically, they are tribes of Indians, except those who are of African origin.

The inhabitants of these islands are of negro and Indian origin in their broadest classification. The Negritos and Negritos have unmistakable negro characteristics, and the Tagalogs and Visayans are quite as strongly stamped with the Indian character as it is exhibited in Aztec, Toltec, Mayo, and Eskimo tribes. The fiercer Indian tribes, such as the Sioux, Apache, Ute, and others, hardened by the climate and the rugged nature of the countries they inhabit, are only Tagalogs under a harder environment.

In one unmistakable trait their resemblance is very strong. They refuse to accept any language but their native dialect so long as the tribal relation exists. The Spaniards have labored for three centuries to make their language acceptable to these tribes in the islands of the archipelago, and they have so far rejected these efforts that only a few natives speak the Spanish language. So it is with the American Indians as to the English language.

The laws of the Cherokee Nation are still written in their own dialect, in the alphabet invented by Sequoyah, printed on Indian presses, and approved by the king. Yet that is the most enlightened Indian tribe in the United States. They are ready for statehood and deserve it, and only our racial aversion deprives them of that clear right.

For more than three centuries the Anglo-Saxon has been the schoolmaster of the American Indian, not because he desired to practice his pedagogy with the rifle and torch, but for some inscrutable reason which is so much in harmony with his sense of duty that his conscience makes no revolt even at its cruelties. Yet it is more in the seeming than in the fact that these duties have been cruel to our pupils.

After all, since we crossed the Alleghenies and to the south of the Ohio River with our pioneer population we have always paid the Indians for lands they nominally occupied and have given them homes on the best part of the public domain.

There are small tribes who are the richest people in the world, by a per capita distribution of their wealth.

The Filipinos call themselves Indians, and very much resemble Indians in their dealings with us.

I can not look back with a feeling of reproach over our hard experiences with the Indians, and I do not look forward to our dealing with them in the Philippine Archipelago with a feeling of dismay. If we have not been acting in the line of duty, we are grievously mistaken. If we have obeyed any command or followed any lead in this march of civilization, it has not been the spirit of evil that has controlled our movements, but the spirit of good, for our rewards have been great, and the blessings we have conferred on other races have been a far greater benefaction to them.

In the more notable campaigns of our Indians wars more than 300,000 lives have been lost and more than \$500,000,000 has been expended; all because the Indians stood in the way of our progress in expansion. We wanted to remove them as obstructions to our growth. Having grown strong and free on lands they claimed as their heritage it is not too great a sacrifice to make for them, that we should make them as free as we are by removing impediments to their growth in the Philippines, even if it has cost us \$6,000,000 and 10,000 lives.

I do not quite believe that we are the sole and irresponsible masters of our destiny or that we are not compelled to follow the instincts—if we may so define the noble aspirations of the Caucasian races—that lead us to exertion and sacrifice for the benefit of mankind.

In our dealings with the Philippine Islands there was never a moment of time when we could have halted or could have reversed our movements without violating the instincts of our race and the duty of our Government.

At the time when Montejó's fleet was destroyed Dewey could not have withdrawn from Manila without inviting Spain to re-occupy it. Military strategy, which was the only question then presented, required Dewey to remain at Manila. He had no place or port where he could coal or supply his fleet if he remained on or near the Asiatic coast of the Pacific. All neutral ports were closed to his fleet for any belligerent purpose. His nearest home ports were in California.

By remaining at Manila he could coal his fleet and supply it. His withdrawal would have exposed Hawaii to certain capture and would have given Spain a military base 2,000 miles from our coast, while our commerce in the Pacific would have been exposed to Spanish interference.

It would have been, in every sense, dangerous, if not fatal, to our operations in the Pacific and to our western coast to have abandoned Manila. It was the only base of operations that Spain had west of the Azores or east of the Minorca Islands, near the Mediterranean Sea.

Cuba was not a base, because we kept it under close blockade. Manila was not a military base for Spain, because Dewey was there.

It was these facts in both instances that saved our Atlantic and Pacific coasts from being harried by the Spaniards.

Mr. McKinley had no military option but to hold Manila.

When Admiral Dewey had secured his victory, and with it the safety of our Pacific coast, and while the peace protocol was in force, we began to cast about us to find some way to lighten the task of disposing of the islands of the archipelago.

The first suggestion as to the easiest way to secure a naval station in the Philippines was to retain sovereignty over the Bay of Manila and, perhaps, the Bay of Subig, and yield all the other parts of the islands to the natives.

This plan I at first approved. A little reflection showed us that such a course would necessarily involve two prominent difficulties that we could not afford to create and very many others that would arise under such conditions. The first of these is that Manila is the national capital of the archipelago and the commercial mart of a vast sweep of the Orient. We could not occupy it and avoid constant friction with a native government in the sovereign control of the rest of Luzon.

A naval station would only be a part of the value of Manila to our people. As a mart of commerce with the other group of countries called the Orient, Manila would be more important to the people of the United States than Hongkong is to Great Britain.

Strategically and commercially Manila Bay is the key to the Pacific Ocean. I think no American has yet been so poor in spirit as to be willing to abandon it and deprive our country of its advantages as a commercial station in the Pacific.

The holding of Manila or Subig is the practical holding of the entire archipelago. If we were not otherwise bound by agreement to protect the islands against foreign invasion or domestic insurrection, our presence there, in the occupation of a great naval station, would compel us to protect and defend the entire group of islands under Tagalog rule.

Such will be the situation when we have established naval stations in the island of Cuba. If the Monroe doctrine had never been thought of, the national right and duty of protecting the territorial integrity of Cuba, when we establish naval stations on that island, will be complete. So it would be in the Philippines.

There is no form of suzerainty that we could exercise over the archipelago which, by any possibility, could be safe or profitable to the United States; and there is none that would not bring upon us the terrible burdens that suzerainty has loaded upon Great Britain in the Transvaal.

I am old fashioned enough in the style of my Democracy to deny utterly the power of the United States to employ its legislative sovereignty in the territory of another sovereign government and to participate there in civil rule.

The native inhabitants of the archipelago have a just cause of resentment toward us, which should be at once removed. It is because we refuse to admit them to citizenship and refuse to extend to them the personal guaranties that are fixed and everlasting covenants of personal rights and liberties to each individual who is a citizen of the United States, as is done in this measure. In this matter Congress is sadly guilty, and the Filipinos are bitterly conscious of the want of consistency between our professions and our practices.

In speaking of personal rights and liberties, I do not allude to those areas where the people are in open insurrection against the sovereignty of the United States. Insurrection, when it exists in force and under arms, is a form of war which the Government is compelled to put down, in order to preserve its sovereignty, which is the life of a nation.

In dealing with insurrection, the power of the nation must be paramount over all the guaranties of personal rights, and these rights may be suspended by competent authority, but not otherwise. But where such war is not declared to exist, and peace and subordination to law prevail, except among a few people, the personal rights of a citizen of the United States are supreme over all adverse laws and practices.

Under our statutes, a proclamation by the President is necessary to place any district in the legal attitude of being in a state of insurrection. The proclamation of the President is sufficient to create this legal and political condition of local war in a district that he declares to be in a state of insurrection, although the President can not declare war against a foreign government.

When I speak of the personal rights of Filipinos under the Constitution, I refer to such as are found in islands or districts that are not proclaimed to be in a state of insurrection, and I insist that each and all of the people in such districts are entitled to all the personal guaranties that exist in favor of citizens of the United States as they are defined in the Constitution. It is this law-abiding class to whom we have persistently denied the recognition

of citizenship of the United States in the Philippine Islands, and while some are clamoring for the personal rights of insurrectionists under the Constitution they deny the rights of citizenship to all classes. It would seem that this has been done under the misconception that citizenship confers the right upon the citizen to participate actively as a factor in the conduct of government.

Political power, except as it relates to the basis of representation, has no connection with citizenship, and in that connection it is only passive and has no actual authority. A child has a political force or power as a factor in the basis of representation, in which basis the sovereign power resides, but it has neither political power nor the capacity to participate in giving political direction to that power; yet a child has all the personal rights of citizenship and an equal right to their enjoyment with the most influential person.

When we deny to the Filipinos the character of citizenship of the United States, we deny to them the right of demanding these personal rights and all political privileges that might be based upon them. We demand their allegiance, which means obedience to law and the duty of making of sacrifice, even of life, that may be required to support the sovereignty of the Government; and in return we owe them protection, under the laws of nature and of nations, and the security of the personal rights and liberties guaranteed to all citizens of the United States under our Constitution. And all our agents and officers should be bound to secure to them these rights according to the legal conditions that exist in the places where they are found.

The better to secure these rights, every officer of the United States, or of any legal government in the Philippines, should be required to take the oath of office prescribed in the Constitution.

This is the true guaranty of fidelity that the Constitution provides, and it is the only one except punishment for official delinquencies. In this oath we introduce the fear of God as a foundation of all integrity in government.

It is our reluctance to admit the Filipinos to citizenship that has caused them to believe that Congress regards them, either with pity or disdain, as an inferior people. And such is the fact. It is gratuitous and unreasoning folly that leads us to deny citizenship, in the meaning of the Constitution, to any person who owes either natural or conventional allegiance to the United States.

Our precedents are all against the denial of citizenship on account of race or color or any previous condition, even of slavery. Our citizenship has always included, as a matter of fact, all the races of mankind, and it is illogical and unwise for us to abridge it by the exclusion of the Filipinos.

A citizen of the Philippine Islands, where our sovereignty is supreme, is a national nondescript, with no allegiance, and is as homeless a vagrant as if he were a prairie wolf.

It is time that we had laid aside some of our own groundless prejudices while we are asking the Filipinos to lay aside theirs. It is time that we had realized the fact that the principles of free, constitutional, republican government are as well adapted to the wants, necessities, growth, development, and contentment of the physical or natural man, who has the intellect to comprehend it, as the Christian religion is to his spiritual growth, and that a denial of the benefits of either to a sentient being is contrary to the spirit and purpose of both.

We can no more corrupt or deprave republican government by extending its blessings to those who are fitted or capacitated to understand and practice its principles than we can deprave the Christian religion by extending its plan of salvation to sinners.

In a republic it is not every individual who participates in the lawmaking or governing power, even by assisting in the choice of governors, judges, or lawmakers.

Only one in five of the actual population in the most enlightened communities exercises these powers; yet a republic is the safest for the rights and liberties of the nonvoting classes, because one-fifth of the people who vote owe their power to the same Constitution that protects the nonvoters against its abuse. They are all alike interested in the principles and in the integrity of the Government, although they may not exercise its powers.

In a republic the intelligence, fidelity, and virtue of the voter is the real security for the wisdom and justice of the government, and if the man who claims the office or function of voter, or for whom it is claimed, is not qualified to perform its duties, he is not thereby endangered in his personal liberties, nor is he thereby deprived of an equal enjoyment of the benefits of government any more than any other nonvoter, such as a child or a woman.

It is the right to aspire to the office of voter, or to any other office, and to qualify himself for place and power to be conferred upon him by his fellow-citizens, that gives a peculiar and incalculable value to citizenship in a republic. No citizen is debarred from these privileges, except through his personal want of qualification or his lack of the confidence of the people who choose men for office.

The whole value of that citizenship would be lost to him, as it would become pestiferous and destructive to the Commonwealth if he was permitted to enter upon the exercise of the governing power, as a voter, before he has the intelligence and knowledge that are essential to its proper exercise.

Therefore the process of converting a Spanish subject into a voter in an American Republic must be slow, as a rule, and must depend upon his growth in the knowledge of republican government. Give him citizenship, thereby exalting him to the plane on which his aspirations for power are lawful and commendable, and he becomes a free man in the highest sense of personal liberty. No freedom can be greater than that which capacitates man to rise lawfully from the lowest to the highest capacity of citizenship.

This precious liberty of freedom of mind and body is embodied in the citizenship of the United States, and there is no limit of lawful power to which its possessor may not be exalted by intelligence, fidelity, and virtue. Every citizen of the United States, whether native, adopted, or annexed, is entitled to the highest privileges, if they are accorded to him by a lawful electorate and are permissible under the Constitution and the laws. If we have not conferred the power to acquire these rights upon the Filipinos, our mission is a failure and our expansion is only the swelling of a dead or decaying body.

The true distinction between a citizen and a subject is not known in any other than a republican form of government. It is in citizenship that we find the true line of cleavage that separates free government and monarchy. Citizenship is the corner stone on which every liberty for the individual man must rest. Wherever citizenship is established republican government follows. It is true in Switzerland, in France, in the United States, and in all the Spanish-American States, the last one of which has just entered the family of States—whose citizens have attained to the high rank of citizens of Cuba after having been the subjects of Spain. Whatever errors may attend their policies or administration, the people of a republic are citizens, and will never degenerate to the lower character of subjects.

The United States can no more have subjects than it can have kings, and whatever laws or policies may be based on such a theory are absurd; they are a reproach to the history, the principles, and fair name of this the leading Republic of all history.

The first duty of Congress toward the Filipinos is to remove all doubt and distrust from this subject by a recognition of the citizenship of those people, which means only this, that they owe allegiance to the sovereignty of the United States, and that we owe them corresponding protection. It is the Republic and the Constitution that confers citizenship upon them, if they are natives, not as a gift, but as a birthright.

They will believe us and respect us if we firmly declare these relations to exist, and that they will be maintained with a strong, friendly, and just hand in all that is meant by American citizenship. On this foundation they will build in peace and security, with growing affections for our institutions of government and with pride in the honors of American citizenship.

When the people of the Philippine Archipelago, whether they are Christian, Moslem, or Pagan, understand that we are dealing with them on the fixed principles of our own Government, which does not recognize attainder of blood, or banishment to foreign countries, or the depraving of millions of people into the condition of subjects while they are the repositories of sovereign power, as a means of getting rid of evil men, but that we require the duties of citizenship from all to whom we owe protection, they will accept so much of our civilization as they are, from time to time, prepared to assimilate, and will grow up into the full stature of our citizenship. A republic has no foundation except the sovereignty of the people. When we abandon that we abandon the republic.

In our experiences with Indian tribes, which has been as trying as any in history, we have the most conclusive proofs of our capacity to civilize, Christianize, and enlighten the wildest of races and to elevate the most obdurate savagery that has ever existed in human form into enlightened citizenship. It has cost us much and it has extinguished some of the tribes through their perverseness, but the remnant is now about as great in numbers as the whole body of Indian population has ever been. Peace between the warring tribes has been firmly established, and they no longer attempt to make savage forays into peaceful settlements to inflict slaughter and rapine upon women and children.

We have not formally recognized their citizenship, as we should have done, under the mistaken idea that we could not afford to meet their savage warfare with measures of retaliation of a like character in dealing with them as citizens of the United States; that their character of citizenship forbade us from treating them as outlaws. It only gave us the better right to punish them for the abuse of that character. Indians who are taxed have always formed a part of our basis for the apportionment of representa-

tion. Filipinos who are taxed furnish the same constitutional basis in the distribution of political power.

It is only those who have not a law that are a law unto themselves. Those who have a law must obey it. They can become outlaws by yielding to savage instincts; but when they do so, the law of retaliation becomes justice, however painful its infliction may be, and it rests with the Government to declare the punishment due to outlawry.

Involuntary outlawry inflicted by a government upon any people is a national wrong of the most dangerous character. This is the condition we impose on the Filipinos when we deny them citizenship and rank them among the nations as a swarm of pariahs. Voluntary outlawry is the most atrocious sin a man can inflict upon society. It calls for the terrible penalty of an eye for an eye and a tooth for a tooth, such as we have sometimes been compelled to inflict upon our savage Indians, not by statute, but by the silence that gives consent, and such retaliation has been found necessary in the Philippines in some instances, to suppress ladrones and bandits who prey upon all who are defenseless, inflicting their most horrible revenges upon people of their own race.

Outlawry and its punishment is not unknown, even to the highest Christian civilization, and while its summary punishment is sometimes deservedly reprobated in the strongest terms as being unlawful and intolerable, it is not always rebuked by trial and judgment in the civil courts. It is not overlooked or forgotten. It is lamented and passed by in silence because, after all, the outlaw has suffered no more than justice when he is summarily executed.

When I reflect on such events in our own midst, as have been recently stated in the Senate, I am prepared to make some allowance for those whose duty compels them to deal officially with outlaws, at the peril of their lives, and who deal with such people in the performance of a public duty, without any feeling of private resentment or malice, and always with sorrow and regret. It is often the severest and most painful task of a soldier or a juror to inflict extreme justice on a culprit to prevent him from destroying the lives of innocent people who are otherwise unprotected.

What we have known and many have seen, in war and in peace, of the sudden wrath of the people descending like a bolt from the heavens upon beastly outlaws admonishes us to be forbearing in condemnation of the men we have sent out to confront these enemies of mankind, at the peril of their lives.

We are discreetly silent when the people, in mobs, inflict summary justice on outlaws; and we should be discreetly careful in our investigations before we declaim against the men we send out to confront outlaws and to punish them for their crimes. I do not believe that any American officer has maliciously inflicted harm on any body of Filipinos, or on any person, either by orders given to his subordinates or by the silent approval of their misconduct.

If outlaws have suffered, it is because they defy the laws, human and divine, and wreak their vengeance and satisfy their malice, cupidity, or lusts upon the innocent and defenseless. It is very difficult to restrain the soldiery or the people to the precise methods of legal procedure when they are forced to free the country of men who are voluntary outlaws.

The Senate has been engaged, through its committee, in collecting testimony as to the alleged outrages perpetrated by our Army in the Philippines, and Senators have seized upon each fact as it has been detailed by the witnesses to comment with severity upon the conduct of our officers in the field. If the Senate is possessed of full jurisdiction to pass judgment on these charges, which seem to have been confided by the Constitution and laws to courts-martial, a full, fair, and impartial trial of the accused officers is necessary to the honor of the country. We can not safely conduct such a hearing as a part of the measure now before the Senate.

Investigation by proper authority is demanded by the whole Army as a duty we owe to it, and they justly resent a partial inquiry and discussion conducted on a bill which does not necessarily call for such a discussion. Their mouths are closed, and they are not permitted even to appear at the bar of the Senate to answer these accusations.

There is a coloring in the whole debate on both sides of the Chamber, in which the officers of the Army have neither interest nor responsibility. In that view it is very unfortunate.

I do not know whether the accused officers are Democrats or Republicans, nor do I suppose that any Senator knows. I do know that the Army is more completely a representative body than the Congress of the United States. These officers come from every district and every territory in the United States, and bring with them the characteristics, the personal interests, and the pride of the people of those various political divisions.

This is the body of men that the Senate is accused of censuring

on an ex parte examination of witnesses whose credibility is sometimes in doubt; and the whole people of the United States, represented by them, are said to be attacked in the character of their sons.

I do not believe that any Senator here desires to attack the whole Army, but that is the interpretation that the Army puts upon our action because we do not call them to account individually, and they deeply resent it. Some of these officers will never survive the infamy with which they are branded in this debate, unless a court of inquiry or a Congressional commission shall exculpate them; and even after they are acquitted their names will be a byword and a reproach. For one, I lament this situation as a national sorrow.

Enough has been said about the conduct of officers in the Philippines to require a strict and impartial investigation, conducted by the regular military courts constituted under the laws and regulations of the United States or by a joint commission of the two Houses, and if the Executive or any officer or soldier is responsible for the alleged crimes or irregularities, let him be dealt with according to law. But until these accused men are heard, on a fair trial, it is a fearful hardship that the Senate should proceed to try and condemn them.

It is not a question whether this line of action is necessary to the future government of the Philippines. If it was it would also be quite as important to inquire whether the people of the islands can withstand the marauders who have been the cause of a resort to these harsh measures if we should withdraw from the Philippines until we have tried the officers of our Army.

It is as much the duty of the Government to free the islands of bandits and marauders as it is to compel obedience to lawful authority on the part of its officers, or of those who resist the United States. The people who submit to the sovereign authority of the United States are entitled to protection against those who despoil and persecute them for that cause. The murder of a well-disposed Tagalog under our protection is as much a cause for retributive justice as the murder of a soldier. Left to their own protection these people could not withstand the persecutions of these lawless classes. They implore our protection, and we may have gone too far in the use of Filipino methods in extending it to them.

A court-martial, or court of inquiry, will certainly develop all that has been wrong or irregular in the conduct of our Army in the Philippines and will punish the offenders when guilt is established. Congress should await the action of these tribunals and proceed, with whatever power it possesses, to inquire and to legislate for the prevention of further wrongs, either by the insurgent Filipinos or by our officers, civil and military. If the regulations of the Army or the general orders of those in command are wrong, they should be changed. If they are right, obedience to them can not be wrong.

Two principal charges are made with reference to the conduct of our officers and men toward the Filipinos. The first is the use of the water cure to extort information as to concealed arms and as to the existence of insurrectionary plots.

Perhaps the most revolting feature of the water-cure plan of torture is the fact that it has been practiced on our captured soldiers by the miscreants who claim to be insurgents, and we have borrowed it from them for the purposes of retaliation. Its origin was in the Spanish inquisition, from which the Filipinos have learned much that they are compelled to unlearn before they can properly appreciate a government that is freed from the influence of such institutions.

The strait jacket and the water jacket in use in our prisons and other similar devices, such as the rawhide whip and the paddle, are of the same character and are used for disciplinary purposes. All of them are liable to serious abuse, yet they appear to be necessary in some cases. That they are cruel is not to be denied, but this brings up the old question whether it is humane to so adjust punishment, without reference to its severity, as to prevent crime. The world has struggled with this question since the days of Moses.

The highest duty of an officer in charge of an insurrectionary district is to reduce it to obedience to lawful authority. His duties relate to the prevention of crime rather than to its punishment, and no rules can be prescribed for the suppression of insurrection by preventive methods. They must be largely discretionary, and to be effective they must be retaliatory and adapted to the necessities of the situation. When they are discretionary duty, honor, and humanity require that the punishment should be merciful.

A threat of devastation by fire and sword, if it has the effect to deter insurrection, is a blessing rather than a curse to a district where insurrection is rife, although it may cover the officer who makes it with reproaches. Many a name, otherwise glorious in history, has been sadly tarnished by such threatenings.

Such threats were made, especially by Brigadier-General Smith, in Samar, but they seem not to have been extensively carried into

execution, because the threat was, in a large degree, effectual to suppress the crimes that afflicted the island. If the country had been made "a howling wilderness," the fact would have been more disastrous to the policy of the Government than to the Filipinos, although it is the same direful infiction that the insurgents were trying to visit upon their own people who refused to follow them in making war against the United States.

The Senate, in the consideration of this subject, is bound to give due weight and impartial consideration to all the facts that relate to it. The second form of repression that is complained of is the concentration of the people in camps.

After open and organized warfare had ceased in the several islands, a few ladrones and mercenaries remained under arms, with no other purpose than to plunder the country. They turned their weapons upon their own people and inflicted upon them every form of persecution. They burned villages, destroyed cattle, shot women and children without quarter or mercy, and forced the people to seek the protection of the American Army.

It was under such conditions, and to separate the friends of peace from these robber bands, that the plan of concentration in villages was adopted. It had no more resemblance to the Spanish plan of reconcentration in Cuba, that was instituted for punishment by starvation, than an almshouse has to a prison, or than the hand of a merciful woman has to the grip of a tiger. It was the only plan by which the people in the villages who were friendly to us could be separated from and protected against enemies in their midst, who were using them as a cover for attacks on the forces of the United States.

Nonintercourse between a district where insurrection exists and the people of a district that is not the theater of insurrection is enjoined and enforced by highly penal statutes enacted by Congress. This is impossible where the brigands consort with the people who are peaceful to find a shelter from the Army.

But what excuse can possibly be found in the conduct of the Army for the refusal of Congress to give proper government to the Philippine Islands? We must either govern them or abandon them, and the more the Army may have abused these people the higher is the duty of providing for them a better civil government.

I find in this bill the denial of citizenship of the United States to the Filipinos.

This is the worst form of imperialism, because it is the most radical. It reaches the individual and takes away from him the personal guarantees of rights and liberties, written in all our constitutions, and depraves him from the dignity of citizenship to the low condition of a subject, a feudatory, a serf, or a slave, according to the behests of those in power over him, without a nationality that can protect him.

When Democrats deny to the Filipinos the character of citizen it is in vain that they hold out to them the hopes of sovereign independence. If they are not fit to be citizens of the United States they are not worthy to be trusted with the organization and government of an independent republic.

I am the pledged foe of imperialism in every form, and especially in those forms in which it uses the power of the people to oppress the weaker classes by the abuse of the power of taxation. I admit that the expansion of our territorial area has furnished many opportunities for those abuses that follow the usurpation by Congress of powers that are not granted by the Constitution.

I admit that a state of war has enabled Congress to usurp those powers on some occasions, even to the extent of dismembering sovereign States and forcing amendments into the Constitution that lapse for the want of the support of the people. But the fault is in Congress, and not in the circumstances that have furnished the opportunity for displaying the fault.

Yet, as a Democrat, I witness with pleasure the fact that our expansion in Porto Rico has forced free trade between that island and the other States and Territories of the Union after an abortive attempt to obtain an imperialistic construction of the Constitution from the Supreme Court of the United States.

More perfect and specific security for personal rights and liberties are provided for in this bill than was given in our first Territorial government to people of our own blood in the great Northwestern Territory, but it is given on the false basis of a citizenship in the government of the Philippines, which is not a citizenship of the United States, or at least it is not so intended.

I also see that the impulse of national growth has so enlarged the scope of our national duties and responsibilities that the most powerful and voracious trust combination in the United States, nurtured by laws that were fitted to an attitude of sequestered selfishness and narrowness, is dying in the house of its friends. The sugar trust still lingers and fights for life, with desperation, but expansion has dealt it a death blow. So, in time, will follow the lasting peace that is about to close a long and destructive commercial war.

The Cuban reciprocity bill is the truce that promises peace, justice, and prosperity to our people and to the beloved child of

our household—the firstborn heir of American independent sovereignty. And that is a fruit of expansion.

Cuba was recently an infant in our nursery, subject to our absolute power. She is now the only sovereign and independent State that was ever created by the will of another nation. We appear to have reached the time of predicted glory in which it is said that a nation shall be born in a day, and we appear to be the instrumentality through which that honor has been conferred upon the world through Christian civilization.

I can not witness such marvelous results with the least apprehension that any people will suffer harm from our efforts to bless them, or that we will be endangered by throwing around them the sheltering arms of our benevolence.

Another expected fruit of our forced expansion, which is to me as the shadow of a great rock in a desert land, is the rehabilitation of silver as a money metal in this bill of Republican parentage.

I have never for one moment doubted that silver would resume its place as a precious metal, to be coined into the money of redemption as soon as the necessities of the people could speak for them against the monopolistic power of those who are the masters of credit, public and private, and who seek gold as the one solvent of the debts that the great nations owe them—the consols, the bonds, the debentures, and the rents that are taxed upon the industries of mankind.

The Filipinos, it appears, are either too ignorant, or superstitious, or too hardened in a bad habit, or too poor to be able to get along without the use of silver money, and we must supply their necessities. Our industrial classes and our richer people, and even our Government, use silver coin and silver certificates in all their daily business; but we are so prosperous in the use of this cheap money that we are willing to believe that it is as good as gold, and we use it as if it was as good as gold.

The Filipino thinks that silver is better than gold for his business, and will not use gold or paper money.

It is a great blessing this bill provides for these ignorant people, that it adds a constant flow of silver coin into the volume of their money supply. Panics can make no headway against a currency that is constantly maintained by actual coinage of silver money, and the dollar being the largest coin, sudden inflation is not possible.

This lesson, taught by a necessity that has forced expansion upon us, will be carefully studied by millions of Americans who will understand and realize its value to industry. It sometimes happens that out of the mouths of babes and sucklings we are taught wisdom. While I regret that these new duties have forced us to repeat some old lessons in the suppression of savagery, I do not regret that new conditions have compelled us again to test the strength of the powers of our republican form of government and its ability to do justice to all who are citizens of the United States.

I need not go further than the threshold of this inviting subject to find sufficient reasons to confirm my faith in the benefits we are conferring upon the Filipinos and ourselves by the governmental power we exercise over and through them in their splendid country, and I would make the government in which they are to participate as completely under the protection of the Constitution, in all the rights that belong alike to all citizens of the United States, as if they were situated on the American Continent.

I would as cheerfully relegate the plains of the West to the tramp of the herds of buffalo, chased by the blanketed Indians, as to deny to American civilization and to the hopes of civilization in the Philippine Archipelago the opportunity to use the abundant riches of the many millions of acres of public lands in those islands.

Under laws patterned after our system of free homes for the homeless and the protection of the public lands from the monopoly that came near ruining Australia, we will furnish a refuge for millions of people on this continent who will follow the flag to that splendid country and will find there the opportunity denied to them here—to grow up into the full stature of free and responsible citizenship of the United States. This hope is a bright light in my conception of the future.

#### APPENDIX.

(1)

*The agreement at Biacnabato between Aguinaldo and the Captain-General of the Philippines.*

No. —. These translations show the progress of negotiations, and it certainly appears that the agreement as signed and executed stipulated nothing but a cash payment to Aguinaldo and a promise on his part to stay away from the islands and his agreement to see that the insurgents laid down their arms, which agreement was never carried out within the meaning of the act.

It seems to me to be evident that no promise of reforms, and certainly no project for the reform of the church, was agreed to, although, of course, nothing of the kind may have been discussed.

JOHN R. M. TAYLOR,  
Captain, Fourteenth Infantry.

(2)

Senor Don EMILIO AGUINALDO,  
Chief of the Revolutionary Army of the Philippines:

The undersigned has the honor to present himself unexpectedly in your headquarters in Biacnabato, and states that he does so impelled only by his

vehement love for the country in which he was born, to explain the many reasons why the hostilities caused by the revolution ought to stop, as to attain at present the whole of the desires which are sought to carry into effect it would be necessary to first ruin the Filipino people, and whoever boasts that he loves that people should remember that the Spanish Government holds in suspense the longed-for reforms solely because those very men continue to bear arms.

In truth, on various occasions I have heard the governor-general of the Philippines lament this suspension, as he is very desirous of establishing and unfolding during his command a new series of reforms bound to give satisfaction to the country, and if they are not everything which has been asked it is because it is impossible to root out in one day that which has endured for more than three centuries.

I have also repeatedly heard the most excellent Señor Marques de Estrella state that, understanding as nobody else could his obligations, he had placed himself at the head of the brigade which took the last trenches of Cavite so that he could have the right to pardon without any limitation, on account of which he dictated the proclamation of the 17th of last May and amplified it extensively in applying it to others, raising all the embargoes and even holding his arms open to receive deserters themselves.

Having, then, reforms and true pardon, I permit myself to counsel that a truce is advisable for the unfolding of the generous propositions and proposals of reform which now animate the Spanish Government, now represented in the Philippines by the very noble and fatherly Most Excellent Señor Don Fernando Primo de Rivera and in the Peninsula by the great and liberal statesman, Most Excellent Señor Don Segismundo Moret y Prendergast, author, in 1870, of the order of the abolishment of the religious sects, of the creation of the Philippine Institute, of the reforms of the University of Manila, and so many beneficent plans for the country directed toward giving representation in the Spanish Cortes to the archipelago and to liberate this people from the powerful dominion of the religious orders.

Such are the reasons which prompt me to present myself spontaneously at these headquarters, and I submit them to the high consideration of your excellency, so that you may deign to accept them for the termination of this fratricidal struggle by a convention of peace, which is bound to assure the prosperity of our beloved country.

PEDRO A. PATERNO.

Biacnabato, 9th of August, 1897.

(3)

*Translation of preliminary draft of treaty of Biacnabato.*

NOTE.—The corrections and changes found in the original in pencil are given in the translation in red ink. The changes are, except where otherwise noted, in the handwriting of P. A. Paterno. It is evident that he, as representing the Spanish captain-general, refused to agree to the clauses stricken out, which is done in pencil, evidently the same pencil of Paterno's changes.

J. R. M. T.

In the copy I now present the lines marked in red pencil in the original are inclosed in brackets.

(4)

*Aguinaldo's response to Paterno.*

The excellent Señor Don Pedro Alejandro Paterno, having unexpectedly appeared in the Mountain of Biacnabato on the 9th of August, 1897, in the [headquarters of the president of the Philippine Republic,] before me stating that he presented himself impelled solely by his vehement love for the country in which he was born, to state that many reasons there were why we should lay down our arms, contenting ourselves with a portion of the amount which he asked for, since in order to gain at present all of our desires it would be necessary first to ruin the Filipino people, and those who consider themselves lovers of that country must remember that the Spanish Government is holding in suspense its carrying out of the reforms solely because we are in arms.

That the said Señor Paterno has on several occasions heard the governor-general of the Philippines regret this suspension, as he is anxious to plant and bring to completion during his command a new series of reforms intended to satisfy the country, and if they are not all that which we ask for it is solely for the reason that in a day it is not possible to extirpate what has been taking root for more than three centuries. That also many times he heard the excellent Señor Marques de Estrella say that, knowing his duty better than anybody else, he had placed himself in front of the brigades which took the last trenches in Cavite in order that he might have the right of pardon without any limitation whatever, on account of which he dictated the proclamation of the 17th of May last and extended its provisions fully to all persons, taking off all restrictions and even holding his arms wide open to welcome even deserters themselves.

As reforms, then, the actual forgiveness are promised, Señor Paterno advises us to restrain our warlike ardor and give an opportunity to the general's desires for reform, which animate the Spanish Government, represented by the very noble and paternal and most excellent Señor Don Fernando Primo de Rivera.

On account of these various other considerations not connected with the field of battle, and influenced by the undeniable authority exercised by Señor Paterno in questions concerning the Philippines \* \* \* he has presented himself before my presence as willing to guarantee this negotiation by his own life, so valued by all Filipinos.

The undersigned, Don Emilio Aguinaldo [president of the Philippine Republic], chief of the revolutionary army, names the excellent Señor Don Pedro A. Paterno as arbitrator to [sign a peace] enter into harmonious relations with the Spanish Government, giving him full powers to determine, fix, and receive the total sum of the funds or values which the Spanish Government grants us, and to distribute them according to his knowledge and sense of equity, everywhere recognized, not only to those who have taken up arms, but also to those who, without having taken part in the campaign, are [compromised with us] suffering from the consequences of the war, and who are now endangered [by this present convention of peace on account of their obligations and interests].

Don Pedro A. Paterno has solemnly sworn [to the council of the president] before me to reveal no secret of the revolution at any time or place under pain of loss of life and honor, promising to overcome, if the Spanish Government aids him, all obstacles opposing [to the due execution of contract, payment of money, and other obligations contracted] to the execution of his pacific intentions and negotiations.

These difficulties once overcome and the resources of values trusted to the said Señor Paterno having been secured, they having been deposited [in his own hands] according to his instructions, and after we have sent our certificates that the total amount of the funds are in the custody of Señor Paterno of our free will, we shall turn over all the arms which we possess to the person designated by the captain-general and general in chief of the Filipino army, Don Fernando Primo de Rivera, asking him for amnesty. The President and his cabinet [consider that this action on their part is worth 3,000,000 pesos].

We commit our existence and that of our families, and also of all of those who have taken part in the present revolution, to the very noble and generous

instincts of the Marquis de Estrella, grandee of Spain, hoping from his paternal forethought the sums necessary for us to live free in our towns under the protection of the Spanish authorities, in our towns where our property has been destroyed, or in foreign parts where we shall have to set up our hearths.

[In exchange for such protection from his excellency the governor-general of the Philippines, we promise to reestablish order and defend the peace in the Philippines during the three coming years until September, 1900, during which period we hope the desired political, ecclesiastical, civil, administrative, and economical forms, of which the principal are the following, will be carried out:]

- I. [Expulsion of the religious orders, or at least regulations forbidding them to live together in cloisters.]
- II. [Representation of the Philippines in the Spanish Cortes.]
- III. Application of true justice in the Philippines—equal for the Indian and the Spaniard. The same laws in Spain and the Philippines. The Indians to have a share in the higher offices of the civil administration.
- IV. Change of the laws governing property, upon taxes, and the holding of the church benefices in favor of the Indian.
- V. Proclamation of the individual rights of the Indian—as, for example, his liberty to combine with others in associations—and the liberty of the press.

[The president takes into consideration the spirit and the letter of this writing to present it to the general assembly, which he hopes will approve it, but it is his duty to state that without the approbation of this assembly, which will be called together as soon as possible, the president of the Philippine republic can not put it in effect.]

As a preliminary base for the harmony and the definite peace between the president and the Spanish Government, the president, who has the honor to sign this paper, will issue a general order suspending all forward movements of the revolutionary army of the island of Luzon as soon as he receives the necessary supply of rations to permit them to remain stationed in the mountains, having no relations with the cities and towns during the period of convocation and action of the general assembly.]

And to prove this to be the truth I sign rubricate, and seal with our accustomed seal, in Biacnabato.

EMILIO AGUINALDO.

[Seal of president of Philippine republic.]  
Entered in the proper book No. 4.

MARIANO LLANERA.

[Seal of the commanding general, center of Luzon.]

M. NATIVIDAD.

[In the third handwriting in red pencil.] Accepted and agreed to. Difficulties.

(5)

#### Programme.

December 11.—Departure of Don Ysabelo Artacho with the approval of the excellent señor governor-general of the convention of peace.

December 16.—Issue of the orders proclaiming peace to all his troops in the various provinces by Don Emilio Aguinaldo.

December 23.—Departure for San Miguel de Mayumo of the Excellent Señor Don Pedro A. Paterno with the excellent señors generals chief of the general staff, Don Celestine Fernandez Tejeiro and Don Ricardo Moret, and adjutant, two staff officers, and Lieutenant-Colonel of Infantry Don Miguel Primo de Rivera.

December 24.—Arrival at Biacnabato of the Most Excellent Señors Generals Tejeiro and Moret, adjutant, and two aids, who will be met in the road by Don Ysabelo Artacho and Don Jose Salvador Natividad.

December 25.—Departure of Don Emilio Aguinaldo and his companions with Don Pedro A. Paterno and Don Miguel Primo de Rivera for Lingayen, where the Spanish Government will have a merchant steamer to take them to Hongkong; the gentlemen going aboard may take their revolvers and the two rifles asked for by Don Emilio Aguinaldo. On the departure of these gentlemen from Biacnabato the Spanish Government will give, by Don Pedro A. Paterno, to Baldomero Aguinaldo a letter payable to the order of the Spanish-Filipino bank upon some bank in Hongkong for the sum of \$400,000, the cost of exchange being charged to the Spanish Government.

December 27.—The above-mentioned gentlemen having left the port of Lingayen for Hongkong and having arrived at Hongkong, Don Emilio Aguinaldo will telegraph to Don Artemio Ricarte in order that he may carry out the following: First, the turning in of the arms and munitions inventoried; second, the carrying out of the order of Aguinaldo, given before his departure from these islands, for the turning in of all arms remaining in the hands of the various groups of insurgents scattered in various provinces; third, that he may notify General Tejeiro and other gentlemen who remain in Biacnabato that they may abandon their residences in said town. As soon as the 225 firearms, 2,382 cartridges, and 20 pieces of ordnance and 2 sabers are turned in to the Spanish Government at Biacnabato—these are the officially inventoried articles—Don Artemio Ricarte will notify Don Emilio Aguinaldo in cipher in order that he may draw upon or cash the letter of exchange for \$400,000 guaranteed by the government of the Philippines, and the captain-general will notify Don Miguel Primo de Rivera and Don Pedro A. Paterno that he has received the arms mentioned.

General Tejeiro and Don Artemio Ricarte will distribute passes and guaranties to the insurgents permitting them to go where they see fit.

As soon as men and arms have come in surrendered to amount to over 700, half at least of the arms being modern ones, Don Pedro A. Paterno will be given two checks for the same sums, one for \$200,000 and the other for a like amount, which will be good when the Te Deum is sung and the general amnesty proclaimed, which will be just as soon as peace reigns in the Philippines; the existence of bands of Tulasanes (armed robbers) will not be considered as a bar to this.

The surrender of the arms, when the 225 and other articles mentioned have been verified, will be to any body of troops, and will be accorded in triplicate receipts, one for the governor-general, one for Don Pedro A. Paterno, and the third for Don Artemio Ricarte, as to whom the governor-general will give the necessary instructions.

This programme is the same as the original project by the excellent Señor Don Pedro A. Paterno, and the insignificant variations from it, whose explanations accompany them, are made in agreement with the said gentleman, who signs it at Manila, 14th December, 1897, with the general in chief. The captain-general, Fernando Primo de Rivera; the arbitrator, Pedro A. Paterno. There is a seal which is inscribed: "Office of the captain-general of the Philippines, headquarters of the general staff." There are two signatures, Fernando Primo de Rivera and Pedro A. Paterno.

(6)

#### Programme.

[May God guide to glory.]

November 18.—Departure of Don Salvador for Biacnabato with the reply of the conference with the governor-general and with the passes for the insurgents in general.

November 20.—Sending out of the orders of pacification from Don Emilio Aguinaldo to all his barracks, scattered throughout various provinces.

December 7.—Arrival of Don Pedro A. Paterno at Biacnabato with Don Miguel Primo de Rivera and General Tejeiro or General Moret, being guests in the government house, in company with the family of Don Emilio Aguinaldo, Don Artemio Ricarte, Don Jose Salvador Natividad, Don Ysabelo Artacho, and other chiefs of rank in the insurrection.

December 8.—Surrender of arms of the immediate command of Don Emilio Aguinaldo to the Spanish Government in some place between Biacnabato and San Miguel de Mayumo.

Simultaneously the Spanish Government will give to Don Pedro A. Paterno, to give it in return to Don Emilio Aguinaldo, the sum of 600,000 pesos, to distribute them among the insurgents.

December 8 (afternoon).—Arrival of Don Emilio Aguinaldo and other insurgent chiefs with Don P. A. Paterno at San Miguel de Mayumo.

December 10.—Departure at Manila of Don E. Aguinaldo and companions.

December 15.—Arrival of the mentioned gentlemen to foreign parts.

December 19.—Don Emilio Aguinaldo will telegraph to the insurgent chief which shall have remained in Biacnabato to prove to the Generals Primo de Rivera and Tejeiro that they can abandon, if they should so prefer, the government house at Biacnabato.

From December 20 to 31.—Surrender of arms of the other remaining commands of the insurrection.

January 1.—The "Te Deum" will be sung in the cathedral, and the decree of general amnesty will be promulgated.

January 2.—To Don Pedro A. Paterno two checks or notes will be given, one at four months date for value of 100,000 pesos, and another of six months for value of 100,000 pesos, which constitute the second and third payments.

Interlineations—Don Isabelo Artacho—it is good.

Blotted—que constituye—it is not good.

Biacnabato, November 15, 1897.

EMILIO AGUINALDO.  
MARIANO LLANERA.  
BALDEMERO AGUINALDO.  
PEDRO A. PATERNO.

(7)

#### Act of agreement adopted for the pacification of the island of Luzon.

In the royal palace of Malacanan, residence of the excellent señor captain-general of the national armies, Don Fernando Primo de Rivera y Sobremonte, Marques de Estrella, governor and captain-general of the Philippine Islands and general in chief of its army, said excellent señor being in private audience on the 15th of November, 1897, with the excellent Señor Don Pedro Alejandro Paterno, knight, Grand Cross of the Royal American Order of Isabel de Catholic Advocate, and resident of the city of Manila, who states as follows: That inspired by his ardent love of the Spanish fatherland and of the soil of the Philippines, on which he was born, and convinced of the magnanimous sentiments of the nation and of the Government, sentiments so magnanimously shown in the conduct followed by the present governor-general of the archipelago, he has proposed, then, himself to cooperate in the reestablishment of peace, utilizing the influence which he exerts among his countrymen, since this influence of his is something thoroughly well established; that in order to attain this end he had a conference with the principal leaders of the rebellion in their own camp, where he exhorted them to lay down their arms and to subject themselves to the laws for the good of the country and in improvement of the conditions of their followers and of their own material interests; that his exhortations and labors have not been sterile, since at the end of a long discussion the leaders above mentioned, inspired by the same idea of peace and with reawakened love of their country, informed him that they realized that the state of war retards the inauguration of beneficent reforms in place of hastening them and placing full confidence in the liberal and generous spirit of the Government of His Majesty of his illustrious representatives in these islands; that his efforts have been constantly directed against the inveterate abuses and ills which oppress the Filipino people, and they are now ready to cease their hostile attitude and to cooperate with all their power and ability in the reestablishment of peace, and that in obedience to the pacific and conciliatory desires the said leaders have conferred upon Don Pedro Alejandro Paterno, here present, the ample powers which he exhibits, signed on the 5th of last November in the mountain of Biacnabato by Don Emilio Aguinaldo, supreme chief of the insurgents in arms, and by the other leaders, Don Mariano Llanera and Don Baldomero Aguinaldo, his subordinates, powers which designate him as the arbiter and which give him full authority to negotiate an agreement providing for the submission of those who still maintain a hostile attitude against the power of the state.

The excellent Señor Captain-General Don Fernando Primo de Rivera, having thoroughly understood the nature of the mission undertaken by the excellent Señor Don Pedro Alejandro, in accordance with the powers signed by Don Emilio Aguinaldo, Don Mariano Llanera, and Don Baldomero Aguinaldo, in which it is stated that the said Don Emilio Aguinaldo assumes the position of full and absolute representative of those who fight against the laws established in the Philippines, such being the position conferred upon him by an assembly composed of individuals taking part in the rebellion and by the organization created by the same for the conduct of the government, the said excellent captain-general having stated that he congratulated himself upon the attitude adopted by Señor Paterno, and on account of the tendencies and proposals of those represented by Señor Paterno stated that he considered worthy of gratitude and praise the services rendered by that gentleman for the establishment of peace, and that he was animated by the same desires himself, as he had shown in his proclamations of amnesty and in a large number of orders and decisions, he was accordingly ready to facilitate any steps taken toward the pacification, being ready to renounce the laurels of victory in the coming campaign, to avoid the shedding of blood, and any reasons for enduring hatreds and rancors between those who, having the same God and the same fatherland, ought to live in fraternal concord and a community of interests and of affections.

The excellent señor general in chief having received with benevolence the propositions formulated by Señor Paterno, the latter stated the chief desire of those whom he represented was to submit; that the future of those who lay down their arms on the altars of the country should be free from any penalty for the past, and that they should be supplied with the sums indispensable to their continued existence in the territory of the nation or in foreign parts; and considering these desires attainable and others unacceptable, both members of the conference having considered the matter with a thoroughness and from the lofty point of view which so difficult and important matter requires, the excellent Captain-General Don Fernando Primo de Rivera y Sobremonte, exercising the authority with which he is invested and the full and unlimited power which the Government of His Majesty has conferred upon him, and the excellent Señor Don Pedro Alejandro Paterno, in the name and as representative of the leader of the insurgents in arms and of the other two leaders who signed the powers delivered to him, which he has shown, agree to end the conflict which at present afflicts with desolation and with blood certain regions of the island of Luzon; the engagement being comprised in the following clauses:

I. Don Emilio Aguinaldo, in his quality as supreme leader of those in the island of Luzon now waging open hostilities against their legitimate Government, and Don Baldomero Aguinaldo and Don Mariano Llanera, who also

exercise important commands in the forces mentioned, are to cease their hostile attitude, surrender their arms that they are using against their fatherland, and are to surrender to the legitimate authorities claiming their rights as Spanish Filipino citizens which they desire to preserve. As a consequence of this surrender they obligate themselves to cause the surrender of such individuals as actually follow them and those who recognize them as leaders and obey their orders.

II. The surrender of arms will take place in accordance with an inventory on the — day of —, at the hour and place which will be decided upon. The military commander designated for this purpose by the excellent señor general in chief is to take charge of the same.

III. The surrender of the individuals referred to will take place, as far as concerns the leaders of bands or allied troops, with the formalities and at the time and place to be determined upon hereafter, each person surrendering himself to receive at the time of surrender a passport or pass which he needs to travel freely to the place where he wants to go. Spaniards, foreigners, and deserters from the army will not enjoy this privilege, but will remain in the hands of the military authorities, their cases to be disposed of as provided in the fifth and sixth paragraphs.

IV. All those who avail themselves of the provisions of this act will stand free from any penalty they have incurred from the offense of rebellion and kindred crimes, the excellent señor general in chief binding himself to concede general amnesty covering such offenses and to authorize the persons surrendering themselves to freely choose a residence in whatever portion of the Spanish territory or of foreign parts which they desire. This clause is not to be construed as conflicting with the provisions of the fifth and sixth clauses of the present act.

V. The deserters of the army who avail themselves of this act will be pardoned from any penalty, but will have to serve as soldiers in a disciplinary corps for the period which remained of their enlistment at the date of their desertion.

VI. The Spaniards or Americans and foreigners who present themselves claiming the benefit of this act will be comprised in the general pardon, but will be expelled from the Philippine Islands.

VII. The parties or bands which do not recognize the leadership of Don Emilio Aguinaldo nor obey his orders who claim the benefits of this act will obtain them in full if they surrender themselves before the date set down.

VIII. The parties and bands which do not surrender before the date mentioned in the preceding paragraph will be pursued and treated as subject to the present laws covering such cases, or as parties of robbers and assassins, if, on account of their organization, the character of their leaders, or their own acts they appear to deserve such a description. Nor will the benefits stated accrue to those who surrender themselves immediately before they are to be attacked, or during the pursuit following an action.

IX. The excellent señor general in chief will provide the necessary means for supporting the lives of those who surrender themselves before the date given in the second paragraph, in view of the painful situation to which the war has reduced them, but he will negotiate only with Don Emilio Aguinaldo, through the Excellent Señor Don Pedro Alejandro Paterno.

X. And in case that any of the preceding paragraphs are violated the provisions of the whole act will remain null.

In testimony of which the Excellent Señor the Capt. Gen. Don Fernando Primo de Rivera, in the name of and as representative of the Government of His Majesty, and the excellent Señor Don Pedro Alejandro Paterno, in the name of Don Emilio Aguinaldo, bind themselves to execute the provisions of this act and sign it. Three copies of which are to be drawn up, one to be forwarded to the minister of war, one will remain in the office of the captain-general of the Philippines for reference and for execution, the other will be given to the arbiter, the excellent Señor Don Pedro Alejandro Paterno, the said gentleman stating in the name of those whom he represents that they confidently expect that on account of the foresight of the Government of His Majesty that it will take into consideration and satisfy the desire of the Filipino people in order to assure them the peace and well-being which they deserve.

Mr. STEWART. If there is no one wishing to take the floor now—

Mr. LODGE. The Senator from Wisconsin [Mr. SPOONER] is ready to proceed.

Mr. STEWART. There are some very pressing treaties that the Department is very anxious should be passed.

Mr. LODGE. I hope not now.

Mr. STEWART. I am not going to speak on them.

Mr. LODGE. The Senator from Wisconsin is ready to proceed.

Mr. PATTERSON. I have just heard a short conversation between the Senator from Wisconsin and the Senator from Georgia [Mr. CLAY], and it is understood that the Senator from Georgia is to go on immediately.

Mr. SPOONER. If he desires.

Mr. STEWART. Of course, if anybody is ready to speak I shall not press my request.

Mr. PATTERSON. I do not think the Senator from Georgia is very anxious to go on now if the Senator from Wisconsin prefers to proceed at this time.

Mr. SPOONER. I told him that that course would be entirely satisfactory to me.

Mr. HOAR. I hope there will not be any executive session.

Mr. HAWLEY. I sincerely hope there will be, for I have 15 or 18 important names to report.

Mr. HOAR. Mr. President, I have the floor, and the Senator from Connecticut will agree with me when he hears what I was about to say. I hope there will not be any executive session just now. While, of course, the Senate must go on with this business, it is hardly fair to empty the galleries of their occupants, who have come to hear the debate, as we would have to do if we had an executive session of only a few minutes. So I hope it will be postponed until a later hour, after the debate for the day is over.

Mr. LODGE. If the Senator from Wisconsin will allow me, I move that when the Senate adjourns to-day it adjourn to meet on Saturday at 11 o'clock.

The motion was agreed to.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Allison,	Dubois,	McCumber,	Simon,
Bailey,	Elkins,	McLaurin, Miss.	Spooner,
Berry,	Foraker,	McMillan,	Stewart,
Blackburn,	Gallinger,	Mason,	Taliaferro,
Burnham,	Gamble,	Millard,	Teller,
Burrows,	Gibson,	Morgan,	Tillman,
Carmack,	Hale,	Patterson,	Vest,
Clapp,	Hawley,	Perkins,	Warren,
Clay,	Hoar,	Pettus,	Wellington,
Deboe,	Jones, Ark.	Platt, N. Y.	Wetmore,
Dietrich,	Kean,	Proctor,	
Dillingham,	Lodge,	Quay,	
Dolliver,	McComas,	Scott,	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. CLAY. Mr. President, I occupy the floor to-day through the courtesy of the Senator from Wisconsin [Mr. SPOONER], and I shall not occupy exceeding forty or forty-five minutes of the time of the Senate.

I remember, Mr. President, that in 1898 I read an article in the North American Review entitled "What shall we do with the conquered islands?" by Senator JOHN T. MORGAN, and I remember that it made a very favorable impression upon my mind at the time I read it. I entertain now the same views which he expressed then in regard to the Philippine Islands, and before I begin my remarks I will read a part of that article in the North American Review. Senator MORGAN said:

The Government of the United States took no active part in promoting the regeneration of Hawaii, and it will not inaugurate or support a propaganda in the Philippines, either political or religious; but it should not deny to itself the right to give its encouragement to good government in those islands or to give to those people proper support against the unjust invasion of their rights by foreign powers. The fortunes of war have devolved this duty upon us.

Again I want to call attention to the views which Senator MORGAN expressed on that occasion, and I believe the views to be perfectly sound.

Annexation will not be a necessary or proper result of such moral or actual protection, because the United States is an American power, with high national duties that are in every sense American, and the Philippines are not within the sphere of American political influence, but are Asiatic, and should remain Asiatic.

All the American States are Christian, and in nearly all of them the political relations are dissolved between the church and the state, so that religion is free and untrammelled. In the Eastern Hemisphere the reverse condition has always been a source of discord that is apparently ineradicable.

Senator MORGAN said:

Freedom of religious opinion and conduct, under proper regulation, is an essential element in a true republic. Until this impediment is removed, which can not be done by mere political agencies, a republic like ours would find a barrier to the annexation of European or Asiatic countries which we could not attempt to surmount without danger to our own Government.

Senator MORGAN further said in this well-written and mature article:

All the American States being Christian and nearly all of them republican, it would be an uncongenial and dangerous situation if any of them should annex foreign territory having a people in authority who are antagonistic to both of these vital conditions.

Mr. President, I agreed with that article at the time I read it. I agree with it now. It expresses the views that I entertain in regard to the Philippine Islands.

I promised to-day, Mr. President, to take up only so much of the time of the distinguished Senator from Wisconsin, and I will now proceed with my remarks as I intended to make them.

Mr. President, this discussion has been continuous for many weeks. The arguments against this bill have been able, and I can not hope to add anything new to this discussion; but I have felt it to be my duty to give the views I entertain in regard to the policy we ought to pursue in dealing with the Philippine Islands.

I cast my vote in favor of the ratification of the peace treaty. I am to some extent responsible for the ratification of that treaty which gave to us these islands, and I feel that I must assume my share of the responsibility resting upon us for the ratification of that treaty. When we went to war with Spain the American people were well acquainted with the situation in the island of Cuba; they were familiar with the history of the Cuban people and of their relations with the Government of Spain. We had read of the revolts against Spanish supremacy and we knew the aspirations of the people of that island. We knew that these people had suffered for years on account of the cruelty of the Spanish Government, and to rescue these people from the hands of a cruel and tyrannical government we declared war against the Government of Spain.

When we declared war against the Government of Spain the American people were not acquainted with the situation then existing in the Philippine Islands. From a geographical standpoint

we knew very little about these islands or their population. We knew nothing of the history of the Philippine people; we were unacquainted with the location of their country, and knew nothing of the habits, education, customs, or traditions of the various tribes occupying the Philippine Islands. It will not be denied that at the time Admiral Dewey fought the celebrated battle at Manila Bay, which resulted in the triumph of the American Navy, that the American people were comparatively ignorant as to the location of the Philippine Islands, and certainly we knew nothing of the population of those islands. When we went to war with Spain to relieve the Cuban people and to give to them an independent government we did not have in view the acquisition of the Philippine Islands or any other territory. Doubtless if we had contemplated that this war would have resulted in the acquisition of these islands we never would have gone to the rescue of Cuba. The Philippine Islands came to the American people as a result of the war with Spain; we did not desire them; we did not need them. But regardless of our desires and wishes, these islands and their population fell to us as a result of the war with Spain. These acquisitions have brought to us grave and serious responsibilities. These responsibilities have not yet been solved, and in my opinion the policy which we have been pursuing since we acquired them, and which we are now pursuing, will never correctly solve this problem.

During the last four years we have acquired the island of Porto Rico, and the inhabitants of that island have accepted American sovereignty, and are reasonably satisfied with the government given to them by the American Congress. We have been much more liberal with the people of that island than we have been with the Filipinos. We have given to the people of Porto Rico self-government; we have given to them a general assembly, and they are permitted to elect the popular branch of that general assembly from their own people, and the people of Porto Rico to a large extent control and regulate their own internal affairs. It is true that in one instance, where we discriminated against the people of this island in tariff laws, they became dissatisfied and hostile to American authority; but wherever we have shown a desire to be just to the people of Porto Rico, recognizing that they have the right to control their own internal affairs, such action on our part has resulted in bringing about a warm and cordial friendship between the people of that island and the American people. Cuba has at last become an independent republic. We have carried out in good faith the pledges we made to the people of Cuba; we have permitted the Cuban people to form a constitution, to organize a republic, to put in operation a government of their own. All three branches of the Government—executive, judicial, and legislative—are in the hands of the Cuban people.

What has been the result? They have never resisted American authority and American arms; we have never had to fire a gun to maintain law and order in the island of Cuba. We have dealt justly with the people of Cuba; we have recognized the obligations we owed to these people, and this course upon our part has been appreciated by the intelligent population of Cuba. Such generosity has resulted in bringing about the most cordial relations between these two peoples. Instead of war and strife, we now have and will continue to have friendly commercial relations with the people of the island of Cuba. Take the Hawaiian Islands. When we acquired these islands we immediately gave to the people of these islands a Territorial form of government, which left the internal affairs of the islands almost entirely in the hands of their own people. What has been the result? Such action upon our part has been appreciated by the inhabitants of those islands. They recognize the fact that Congress has been just and true to the principles which have governed us in the past and which have made us a Republic without a parallel in the history of the world. In the acquisition of the Hawaiian Islands we did not depart from the great fundamental principles which have governed us in the acquisition of territory since the formation of our Republic.

We have had no trouble with either Cuba, Porto Rico, or the Hawaiian Islands. It has never been necessary for us to fire a single gun to maintain law and order in either Cuba, Porto Rico, or the Hawaiian Islands. The American flag is respected, honored, and loved in Porto Rico and in the Hawaiian Islands. In dealing with the people of these islands we have regarded their wishes and desires; we realized that these people loved liberty; that they had aspirations to control their own affairs, to make their own laws, and to administer these laws by their own people. We yielded to their wishes and desires and good results have followed. The same principles applied to the population of the Philippine Islands would have produced similar results. Human nature is the same the world over, and when you tell me that the people of the Philippine Islands can not appreciate liberty and self-government, then I tell you that you do not understand human nature. If we had pursued the same course toward the population of the Philippine Islands that we have pursued toward our other newly acquired possessions, we would have had a dif-

ferent result. I merely refer to these acquisitions to illustrate what might have been accomplished had we pursued a wise, just, and conservative course toward the people of the Philippine Islands.

When the peace treaty was before Congress for ratification I was one of the Democrats who gave my vote in favor of its ratification. By that ratification I did not mean to sanction an unjust, tyrannical, cruel, and impolitic course toward the people of the Philippine Islands. I disagreed with the majority of my party associates in casting that vote, but while I did so I have always agreed with my party in regard to the policy we ought to pursue toward the people of these islands since the ratification of the peace treaty. I wish to give the reasons which governed me in casting my vote in favor of the ratification of the treaty. I was exceedingly anxious to agree with the majority of my party associates. I doubtless received severe criticism at their hands for casting my vote in favor of the ratification of the treaty. I wanted to agree with them, but viewing the question as I did, I consulted my own conscience and judgment and did what I believed to be right and best for my country in casting that vote, and will now give my reasons for so doing.

After the battle of Manila Bay, and after the surrender of the city of Manila, I learned something of the geography and the population of the Philippine Islands. I learned something of the history of the Philippine people and of their struggles for liberty against the Spanish Government; I learned something of the services which the Philippine people and the Philippine army gave to the American army in subduing the army of Spain in the Philippine Islands; I learned that these people had been struggling for three hundred years against the Spanish Government, fighting for recognition and independence; I learned that practically the same conditions existed in the Philippine Islands that had existed in the island of Cuba for more than a century. While the people of the Philippine Islands, a few years previous to the time we declared war against Spain, had agreed to lay down their arms and submit to Spanish authority, they did so with the promise of many reforms on the part of the Spanish Government. Truth told me that when our navy went to Manila and destroyed the Spanish fleet that we found the same conditions existing in these islands that had so long existed in the island of Cuba. The population of these islands had complained of tyrannical rule; they had sought by all possible means reforms at the hands of the Spanish Government; they had risen in insurrection year after year to throw off the Spanish authority and to put in operation a government of their own, but they had failed for want of sufficient strength. So soon as we fought the battle of Manila Bay, and the American Navy was victorious, the people of the Philippine Islands immediately took hope, and recognized that with the assistance of the American Army and Navy they could win their independence.

After the surrender of the city of Manila the Spanish army was practically crushed in these islands, and I realized that, to some extent, the people of the Philippines had doubtless been instrumental in aiding us to crush Spain and her authority in these islands. When Spain sued for peace these conditions existed in the Philippine Islands. By the joint operation of the American and Philippine forces Spanish authority had been crushed in the Philippine Islands. During the negotiations for peace these conditions existed. I do not believe that we would have been just to the people of the Philippine Islands if we had left them to the mercy of Spain. We went there; we accepted their aid; we found the same conditions existing there that had so long existed in Cuba, and I hardly thought that the peace commissioners—appointed to negotiate a peace treaty between Spain and our Government—could afford to leave the Philippine Islands in the hands and at the mercy of Spain. That peace treaty provided that Spain should relinquish her sovereignty over the island of Cuba, which relinquishment was to leave Cuba a free and independent country. The peace treaty provided that Spain should cede the island of Porto Rico to the United States, which gave to us title to Porto Rico, and American sovereignty was asserted over the population of that island.

The peace treaty ceded the Philippine Islands to the United States. I believe that when the treaty was negotiated we ought to have provided that Spain should simply relinquish her sovereignty over the Philippine Islands. Then the people of the Philippine Islands would have been left in the same condition in which Cuba was left. But the peace commissioners, instead of using the word "relinquish," used the word "cede," and consequently, by virtue of the treaty, we acquired to the Philippine Islands whatever title Spain had to those islands at that time. When Senator Vest moved to amend the treaty so as to strike out the word "cede" and substitute the word "relinquish" I voted in favor of the amendment, but this amendment was defeated. Then the next question that came to my mind was, Should I vote for or against the ratification of the treaty? If I voted

against the ratification of the treaty, and the treaty was rejected, what would be the result? We would have to negotiate a new treaty; months might transpire before a new treaty could be negotiated; many complications, it struck me, might arise whereby the war between Spain and the United States would be continued, and the commercial relations of my country might be seriously affected. Besides, I felt sure that an extra session of Congress would be called. My party had lost heavily in the election, and undoubtedly the treaty would be ratified at the extra session of Congress. Now, during this interval, it struck me, serious results might follow.

If we rejected the treaty made by our commissioners sent to represent our Government, for months our relations with Spain would be involved in doubt and uncertainty, and doubtless the business interests of the country would suffer largely. I did not believe that the Government of the United States would be benefited by the acquisition and retention of the Philippine Islands; I did not believe that we ought to acquire and permanently retain the Philippine Islands, and I did not believe that we ought to leave the population of the Philippine Islands to the mercy of Spain. Really, I thought that we ought to require Spain to relinquish all sovereignty she had ever held over these islands and to leave the population of the islands to govern themselves. This was the course that I preferred, but I could not get what I wanted. Then the next question that presented itself to my mind was, Is it not best to ratify the treaty, to do away with Spanish sovereignty in the Philippine Islands, to settle our relations with Spain, to end the war, and bring about permanent peace? When this was done we could immediately legislate and provide for a free and independent government for the people of these islands. We could then deal with them as we did deal with Cuba. My own convictions led me to the conclusion that I ought to vote in favor of the ratification and to declare in favor of a policy toward the people of the Philippine Islands which would eventually lead to self-government for these people.

While I voted against the majority of my party in favor of the ratification of the peace treaty, I have never wavered for a single minute on the question as to our duty in the Philippine Islands. I have agreed with my party on every question which has arisen since the ratification of that treaty in regard to our conduct toward these people. I said at the time the treaty was ratified that I favored a policy which would eventually give to the people of these islands the control of their own affairs. Now, I do not desire to be misunderstood. I believe that when the peace treaty was ratified the Government of the United States acquired a good title to the Philippine Islands. I believe that the Philippine Islands belonged to the Government of Spain. I do not contend that the people of the Philippine Islands had achieved their independence before we fought the battle of Manila Bay. I am not certain that the people of the Philippine Islands would have acquired their independence without the aid of the Government of the United States. In all probability after the battle of Manila Bay and after the surrender of the city of Manila, without our aid, these people would have achieved their independence. I do not contend that they had a government of their own and that they had won their independence before the battle of Manila Bay. In fact, history teaches me that they had not won their independence. They were contending for their independence. As soon as these people learned that our Government was fighting Spain they became more hopeful and determined, and through our aid they doubtless would have achieved their independence.

After we ratified the peace treaty, and after we had been the recipients of their aid in the war with Spain, knowing at the same time that these people were aspiring for self-government, I could not see how the American people could deny to them their right of self-government. I am unalterably opposed to the permanent retention of the Philippine Islands with a view of making them an integral part of the United States. I can not imagine a greater calamity to my country than to give these people representation in both branches of Congress. If we divide them into States and give them representation in proportion to their population, these people will be entitled to more than 50 members of the lower House of Congress and to about 12 Senators. I do not believe that the American people will ever tolerate any such policy. Such a course would, in my opinion, result in the ruin and destruction of our Republic. I do not believe that Congress will ever pursue any such policy. I did not vote for the ratification of the peace treaty expecting any such results; I gave my vote in favor of the ratification of the peace treaty hoping and believing that Congress would have the wisdom and patriotism to meet the duties we owed to these people, and that we would at an early date declare a policy which would result in putting into operation a government in the Philippine Islands capable of maintaining law and order and carrying out international obligations. I believed that we would pursue such a policy as we have pursued in Cuba, and that we would aid the Philippine people in forming a constitution and

putting in operation such a government, and that so soon as we carried out the duties and obligations we owed to these people we would withdraw from the Philippine Islands.

At the time we ratified the peace treaty I expressed these same views, and every Senator, on both sides of the Chamber, who spoke in favor of the ratification of the treaty expressed substantially the same views. I did not believe after the ratification of the treaty that Congress would pursue the policy which we have been pursuing. I did not believe that we would force American authority on the people of the Philippine Islands against their will. I did not believe that we would sacrifice thousands of lives and millions of dollars to crush the aspirations of the people of these islands. Neither have I indorsed, nor do I now indorse, the policy which we have pursued and which we are continuing to pursue in these islands. I do not believe such a policy to be just, wise, or patriotic. I have never believed, nor do I now believe, that it was our duty to abandon the Philippine Islands immediately after the ratification of the peace treaty. By the ratification of that treaty we assumed certain duties and obligations to the people of those islands. I believe that it was the duty of the United States to continue to occupy and govern the said archipelago until the people there have established a government and until such guaranties have been obtained for the performance of our treaty obligations with Spain and for the safety of those inhabitants that have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Georgia yield to the Senator from Indiana?

Mr. CLAY. With a great deal of pleasure.

Mr. BEVERIDGE. How long does the Senator think it would take to accomplish what he says he wants?

Mr. CLAY. I do not know, and I do not presume even my friend the Senator from Indiana knows.

Mr. BEVERIDGE. I do not know.

Mr. CLAY. But I do say this: I believe if at the time we ratified the treaty we had declared the policy we intended to pursue toward the Philippine Islands, assuring those people that as soon as they put in operation a civil government capable of carrying out our treaty obligations and maintaining law and order, before this time the Philippine people would have had a civil government, and we would have been at perfect peace with those people from that time to the present period.

I believed that it was the duty of the Government of the United States to declare by act of Congress our final policy in regard to the Philippine Islands. I have believed, and still believe, that it was the duty of the Government of the United States to proclaim to the people of the Philippine Islands that so soon as all armed resistance to the United States has ceased in said islands, and so soon as the people of those islands, with our aid, shall put in operation a government to be administered by the Filipino people capable of maintaining law and order and carrying out international obligations, then we will withdraw from those islands.

I do not believe any Senator on this side of the Chamber has ever declared that we ought to have left the Philippine Islands when the treaty was ratified. The substitute of the minority which we have been considering provides that our Army, our sovereignty, shall stay in the Philippine Islands until a stable government is established, and when that is done that we will leave the islands. The Democratic party has never contended that we should leave the Philippine Islands without carrying out all of our obligations. The real issue between the two parties is whether or not we shall declare what shall be our final policy between the people of the Philippine Islands and the United States. Those of us on this side of the Chamber believe that when those people understand us and see that we intend eventually to give to them the right of self-government, such action on our part will be appreciated and will bring about peace between those people and ourselves.

Said government must, however, be a stable one, capable not only of maintaining law and order, but of carrying out all of our treaty obligations. I have never favored leaving the people of the Philippine Islands in a state of anarchy. I have believed, and still believe, it was the duty of our Government to aid these people in establishing civil government in the Philippine Islands. These people were ready and anxious to receive our help. At the time of the surrender of the city of Manila they cherished toward us the warmest friendship, and the most cordial relations had existed between these two peoples since we entered the Philippine Islands. They never became hostile to us until they conceived the idea that we intended to take their country and to assert American sovereignty there. We knew they were a suspicious people. If we had been cautious and careful to retain their friendship, such a course would have been a blessing to us and to them. These people have desired from the time we entered

the Philippine Islands to the present time to know what course we intended to pursue toward them. They have sought in vain to find out what action Congress intended to take in dealing with their country.

Every step we have taken since the ratification of the peace treaty, in my opinion, has been unwise and unjust. We could have avoided the firing of a single gun; we could have retained the friendship of these people without the sacrifice of life and treasure, and we could have maintained the honor and dignity of our Government. Since we ratified the treaty we have sacrificed the lives of nearly 5,000 American soldiers to maintain our present policy, and we have spent more than \$350,000,000, and these great sacrifices are not yet at an end, all of which could have been prevented by our Government setting forth the policy we intended to pursue toward these people. In order to deal with the people of the Philippine Islands, it becomes absolutely essential that we study the history of these people; that we know something of their surroundings, of their aspirations, of their traditions. History teaches us that for more than three hundred years these people have been almost continually at war with Spain.

During all this period why have they been at war? Why have they cost Spain millions of dollars and thousands of lives? We must interpret their aspirations and desires if we reach a correct solution of our present troubles. These people have always aspired to self-government; they have always resisted the authority Spain endeavored to exercise over them, because they sought to be an independent and self-governing people. The same motives that governed these people in their dealings with Spain will govern them in their dealings with us in the future. You may send American commissions across the ocean to make and execute their laws, and to levy and collect their taxes. These people will submit to the laws of such commissions so long as they are forced to do so by an American army, but no longer. When the American soldier leaves the Philippine Islands, the Filipinos will resist American authority and kill and murder American officials.

It is human nature, Mr. President. When you send five American citizens, I care not how intelligent they may be—and I have no criticism to make against the character of the Philippine Commission—to the Philippine Islands to make their laws, it is galling to the people of the Philippine Islands, and it will create eternal enmity between those people and us.

The Democratic party has recognized the duty which we owe to the Filipinos. The Democratic party has been in favor of remaining in the Philippine Islands until civil government shall be established capable of maintaining law and order and carrying out treaty and international obligations. The Democratic party has not been in favor of leaving the Philippine Islands to anarchy and chaos. We have been in favor of remaining in these islands until we carried out every obligation which we owe to these people and to other countries, but we have said from the day the treaty was ratified that these obligations which we owe to these people could be easily carried out if we would only declare to them that so soon as they carried out our obligations and put in operation such a government as I have described above, then we would leave the islands to the government of their own people.

We have maintained that such a declaration upon our part would necessarily give satisfaction to the people of the Philippine Islands; that they would readily accept the aid we would render them in establishing civil government, and that such a policy, put in operation at the time the treaty was ratified, would have prevented the cruel and heartless war that has been going on in these islands for more than three years. Who doubts that such a policy would have given immediate satisfaction to the people of these islands? These people would have seen that it was our purpose to aid them in establishing civil government—to aid them as we have aided Cuba. The entire population of those islands would have cherished the deepest sense of gratitude to the American Government. They would have accepted any suggestion coming from us in regard to civil government. They would have been our friends for all time to come, and the trade and commercial benefits which Germany and Great Britain are enjoying at their hands to-day would now be flowing into the Treasury of our people. I assert, and I do not believe it can be successfully contradicted, that such a policy on our part, immediately after the ratification of the treaty, would have resulted in the pacification of the islands, and civil government would have been established there long ago.

The American soldiers whose lives have been sacrificed in the Philippines would have been spared, and the friendly and cordial relations which first existed with these people would have been maintained. We have made an egregious blunder in the policy which we have pursued and which we are still continuing to pursue. During the three years of horrible war which has existed in these islands, what benefits have we reaped? We have seen the lives of thousands of our soldiers sacrificed, and millions wrong from the taxpayers of our country needlessly spent. We

have seen the towns and cities of these people burned to the ground; we have seen their fields devastated, and probably more than half a million of their population perish as a result of the war. I do not care to discuss the horrors which have been detailed before the Philippine Committee; they bring shame to my country; I prefer to pass them by. They constitute a period in the history of my country which I wish could never be written. This war could have been prevented.

The policy advocated by the party to which I belong would have prevented the war; the 70,000 soldiers we have kept there so long, or the most of them, could have been kept at home. Such a policy as we have advocated would have prevented hostilities and would have enabled us to establish civil government there without war. These people knew that they were weak; they knew that when Spain was driven away from the islands that they needed our assistance. They never thought of going to war with the Government of the United States. They only went to war when they reached the conclusion that we intended to sustain toward them the same relations that Spain had sustained. Doubtless they misjudged our course. I do not believe that we intended to deal harshly with them, but when they reached the conclusion that American sovereignty would be asserted over the islands, then these people came to the conclusion that while Spain's cruel rule was at an end that American rule would be equally cruel. In dealing with these people it was absolutely essential to know their aspirations, to understand their wishes, to be familiar with their history, and with their struggles for self-government. They had suffered severely at the hands of Spain, and were a suspicious people.

Hence statesmanship required the utmost care upon our part to avoid any conflict with them. We should have made every effort within our power to retain their confidence and friendship and to assure them that our final purpose was to grant to them their life-long wishes and desires. When the history of our relations with the Philippine Islands since the ratification of the peace treaty shall have been written, and truthfully written, the historian can not fail to record the fact that this cruel and destructive war which has gone on in these islands during that time was the result of the failure on the part of Congress to set forth a liberal policy toward the people of these islands. In less than a dozen lines Congress could have provided for the final independence of the people of the Philippine Islands. It was not necessary to leave the islands at once. All that these people have asked was simply a declaration on the part of Congress setting forth the final policy of our Government toward these people after civil government was put in operation there.

Now, what is the real issue between the two parties? Both political parties agree that this Government should stay in the Philippine Islands until civil government is established. The Democratic party says that we should relinquish our sovereignty there as soon as civil government is established. The Republican party fails to declare a policy. Step by step they continue to exercise authority over the Philippine Islands without giving to these people any assurance as to what our final policy shall be. This is the real issue between us. The policy which the party in power has pursued has resulted in a continuous war; has created antagonisms that will probably last for a century. The policy the Democratic party has favored would have prevented the war, and would have enabled us to establish in those islands civil government by peaceable means. We are told by those who favor the policy of the party in power that the Filipinos are friendly to American rule. I do not believe that 5 per cent of the population of the islands are in reality friendly to American rule. They are friendly because of American arms, and if they were left free to act without force these people would be almost unanimous against American authority. In all probability we have destroyed during the last three years half a million of these people. I do not mean that we have killed that many, but as a result of the war half a million have died. Old men, women, and children have been killed, cities have been burned, towns have been destroyed, and fields have been devastated.

I make no complaint against the American soldier. Such destruction as I have detailed above is not unusual in war. But do you tell me that when these people have suffered so greatly at the hands of the American Army that in reality they are friendly to American rule? The advocate of such a policy is unacquainted with human nature. Do you suppose that they so easily forget that their children have been killed, that their homes have been burned, and that their country has been almost ruined? They may be a weak and inferior race, but the horrors resulting from the war which have been detailed before the Committee on the Philippine Islands will not be forgotten. It will take a century to eradicate from their minds the sufferings which they have endured at our hands. I can not calculate the injury which will result to the American people by reason of the hatred these people

will cherish for us for centuries by reason of this cruel war. I feel that the policy which the minority have advocated is a just one.

The venerable Senator from Massachusetts has represented his State with honor and distinction in this body for nearly a quarter of a century. His valuable public services are appreciated by the American people, but when his history shall have been written the services which he has rendered his country in his continuous opposition to the policy of his party will give to him an imperishable fame. The last services of his public life will be his most glorious, and history will do him justice.

But, Mr. President, I rose for the purpose of discussing the bill now under consideration and not for the purpose of discussing our general Philippine policy. Nearly every act of ours since the ratification of the peace treaty has intensified the hatred between these people and oururs.

Mr. President, I have pointed out the fact that the policy which we have pursued in dealing with the people of the Philippine Islands heretofore has resulted in creating antagonisms, and the continuation of such policy will never result in the pacification of the islands. I have further pointed out the fact that originally these people were our friends and cherished toward us the deepest sense of gratitude for the services which we rendered to them in their struggle with the Government of Spain. There can be no dispute about the fact that these people, previous to the ratification of the peace treaty, entertained toward the American Army and toward our Government the deepest sense of gratitude and we had every prospect of retaining their permanent friendship. Such friendship would have resulted in developing commercial relations with these people of great advantage to our country. Step by step they have drifted away from us until we have at last realized that these people have become our inveterate foes. It is well enough to inquire why this change of sentiment among the Filipino people toward Americans.

It becomes a duty of all thoughtful men to seek to remedy this condition of affairs and to pursue a policy which will restore the cordial relations heretofore existing and which are so necessary for the happiness and welfare of the people of these islands. When we build up and advance the interests of these people, when we give to them stable government to be administered by their own people, and give them a higher and better civilization, they will then understand the benevolent purposes of our Government, and such a course will result in bringing about the peace so much desired. I repeat, Mr. President, I did not rise for the purpose of discussing our general Philippine policy. I did not rise for the purpose of narrating the many cruel and heartless deeds charged as a result of the war now going on in the Philippine Islands, which deeds are deplored by all good men. It gives me no pleasure to refer to these atrocious acts. They bring shame to every true American.

But, Mr. President, the fault does not lie in our Army. The system of government which we have inaugurated in the Philippines is responsible for such results. The policy inaugurated by the party in power has led to this course. Congress has been silent as to the policy we intended to pursue. These people have asked in vain. They have sought by memorial after memorial for a declaration on the part of Congress as to what course we intend to pursue with the people of these islands, and I regret to say that they have sought in vain. If their petitions had been heard and Congress had spoken in no uncertain terms, peace would have been restored and the friendship of this people would have been retained, our commerce with them would have increased more than fivefold, thousands of lives that have been sacrificed would have been saved, and millions of dollars recklessly spent would have been saved to the American people. It will take more than a century after we reverse our action to eradicate the hatred and ill will implanted in the hearts of these people against our Government. Do you suppose they will forget at an early day that we have burned their cities and destroyed their homes? I answer no.

But, Mr. President, I am anxious to discuss some of the provisions of this bill. I maintain that the provisions of this bill, instead of having a tendency to bring about peace and reconciliation between these people and ourselves, will have the opposite effect. When we endeavor to legislate for these people and dispose of their country without giving them any voice whatever in such legislation, you may necessarily expect the intelligent and educated people of those islands to resent such a course. If you suppose these people are without ambition and pride you have misjudged them. History teaches us that many of the inhabitants of the Philippine Islands are graduates of colleges and skilled in the science of government. When this class of people realize that we are endeavoring to legislate for their country and that they are deprived of the right to participate in making and executing their laws, these people will become restless and dissatisfied. They will resent your intrusion, they will resent American control, and they will lead the great masses of the people of

the Philippine Islands to continuous war against the unjust policy which we are now proceeding to inaugurate in those islands.

When the Spooner resolution was passed all military, civil, and judicial powers necessary to govern the Philippine Islands were vested in the President of the United States. He had absolute power to control the affairs of the islands, and to enable him to execute these powers he was backed by the American Army. No one thought that this power was to be permanent. No one thought that the President of the United States, for any considerable length of time, would be authorized to govern the Philippine Islands, composed of nearly ten millions of people.

President McKinley, in his message to Congress on the 5th of December, 1899, said:

As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the Commission, or such members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands.

To give effect to the intention thus expressed, I have appointed Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke I. Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California, commissioners to the Philippine Islands, to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which Congress may hereafter enact.

In defining the power to be exercised by the Philippine Commission appointed by the President, the executive branch of the Government, in his message, said:

Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this Commission, to be thereafter exercised by them in the place and stead of the military governor, under such rules and regulations as you shall prescribe, until the establishment of the civil central government for the islands contemplated in the last foregoing paragraph, or until Congress shall otherwise provide.

In further defining the powers of the Philippine Commission, the President said:

Exercise of this legislative authority will include the making of rules and orders, having the effect of law, for the raising of revenue by taxes, customs, duties, and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure an efficient civil service; the organization and establishment of courts; the organization and establishment of municipal and departmental governments, and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character.

The President also said:

The Commission will also have power during the same period to appoint to office such officers under the judicial, educational, and civil-service systems and in the municipal and departmental governments as shall be provided for.

In other words, by Executive order the Philippine Commission was empowered to exercise full and complete authority in legislating for and in controlling the Philippine Islands. The five American citizens appointed to go to the Philippines and establish civil government were clothed with all the power and authority necessary to legislate for the people of those islands. Their power to legislate and control the islands was without limitation. No Czar ever exercised more power than these men were authorized to exercise.

The Philippine Commission was originally composed of five American citizens, a majority of whom had never seen the Philippine Islands until after they were appointed. They knew nothing about the inhabitants—the conditions, aspirations, and surroundings of these people. Notwithstanding this fact, five American citizens were appointed to legislate and establish civil government in the Philippine Islands. They crossed the ocean, took up their residence in the city of Manila, and, since they were appointed, they have really been the civil government in the Philippine Islands. They had the right to levy and collect taxes and to make laws and rules and regulations necessary for the government of these islands. The entire population of the Philippine Islands must look alone to these five American citizens to make laws, to define and punish crimes, to levy and collect taxes. In fact, all the legislative and executive power necessary to govern the islands was vested in the Philippine Commission, composed of five American citizens, and the people of these islands have had no voice in establishing civil government. The friends of the Spooner resolution contended, at the time of its passage, that it was to be of a temporary character and was only to last until civil government could be established, and then the control of the internal affairs of the islands would be placed in the hands of the people of those islands. I had hoped, Mr. President, that when the party in power attempted to provide a permanent government for the Philippine Islands, a time would be fixed when the power granted in the Spooner resolution would come to an end, and when the Philippine Commission, composed originally of five American citizens, would cease to be styled the Philippine government; that their

power to legislate would cease to exist, and gradually the people of the Philippine Islands would be permitted to control their own affairs.

They have sought for such ends and are still seeking for such ends, but this bill which we now have before us does not give to them a single ray of hope. If the people of the Philippine Islands accept this legislation and do not resent this intrusion on the part of our Government, then they are unfit for slaves, much less to be freemen. Thus far, Mr. President, we have not discussed in detail the provisions of this bill.

Section 3 of the bill provides—

That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes as set forth by said order were to be levied and collected at all ports and places in the Philippine Islands upon the passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed; and the actions of the authorities of the government of the Philippines, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved.

We know that the Philippine Commission, composed originally of five American citizens, without consulting the people of the Philippine Islands, fixed the schedule of tariff duties and taxes in the Philippine Islands. The entire population of these islands were deeply and vitally interested in the question of taxation—both the collection and the expenditure of these taxes. Notwithstanding this fact, thus far they have had no voice either in the levying or the collecting and distribution of these taxes. The intelligent and educated Filipino has complained bitterly because the Filipinos have been ignored when this legislation was put into effect. The bill that we now have before us provides for the continuation of such taxes, and the powers heretofore exercised by the Philippine Commission, on the line suggested, are continued. In fact, this bill contemplates that, for all time to come, the Philippine Commission shall be the real legislative power for the Philippine Islands.

You call it a temporary bill, but this bill is permanent so far as this Congress can make it so; and this bill will stand on the statute book until you repeal it, and it will govern the people of the Philippine Islands for a hundred years to come unless you repeal it. It is permanent legislation, so far as Congress can make it permanent, and the Philippine Commission, by virtue of the authority you give them, will last to-morrow, it will last next week, it will last next year, it will last one hundred years, unless Congress see fit and proper to repeal the law giving the Commission this power.

The truth of it is, Mr. President, that this is a bill providing for a permanent government. It is true that the bill says that it is to provide a temporary government, but there is nothing in this legislation which would show that it is temporary. It is permanent so far as the bill is concerned, and when the people of the Philippine Islands shall read this bill and study it they will reach the conclusion that the Philippine Commission next year, and for a hundred years to come, is to be the real legislative power in the Philippine Islands.

Mr. President, we are told that there are intelligent lawyers in the Philippine Islands and highly educated men. When these people reach the conclusion that they are to have no voice in their affairs, but that the Philippine Commission is to govern them, you may expect dissatisfaction and trouble with those people in the future.

Why, Mr. President, if you will study the constitution which they framed there just before the ratification of the treaty, you will see that the men who drew that constitution were familiar with the principles of our Government. It was framed and fashioned after the principles of our Government, and I say when we presume that the entire population of the Philippine Islands are ignorant we make a very serious mistake. It is true that only a small per cent of them are highly educated and acquainted with the science of government; but, if we are correctly informed, the great masses of the people in those islands rely implicitly upon the leadership of those who are intelligent and who are versed in the science of government.

When the people of the Philippine Islands desire improvements, when taxation becomes necessary, when they want courts, when the power of the courts are to be defined, these people have no voice and must look alone to the Philippine Commission, composed of American citizens, to legislate for them. This bill contemplates that the Philippine Commission shall be a permanent institution. The laws which this Commission have enacted heretofore are ratified and approved, and this Philippine Commission will have more power over the people of the Philippine Islands than the American Congress exercises over the people of the United States. It will not be disputed that when this bill refers to the Philippine government it evidently means the Philippine Commission. There is no government in the Philippine Islands except the Philippine Commission. There is no one authorized to exer-

cise the functions of government except the Philippine Commission. The five American citizens appointed by the President of the United States to cross the ocean and to settle in the city of Manila exercise all the functions of government in the Philippine Islands.

They not only define crime, but the life, liberty, and property of the inhabitants of those islands are absolutely and unconditionally in the hands of this Commission. I am utterly shocked that this bill contemplates that the powers given to this Commission shall never cease. So far as this bill contemplates there is no end to their powers.

Section 11 provides that the government of the Philippines, which really means the Philippine Commission, shall make rules and regulations for the lease, sale, and other disposition of the public lands. History teaches us that there are more than 65,000,000 acres of these public lands in the Philippine Islands. Notwithstanding this fact the Philippine Commission is empowered to provide rules and regulations for the lease and sale of the public lands. These lands constitute more than 75 per cent of the entire lands in the Philippine Islands. Notwithstanding this fact this Philippine Commission, which in reality ought to be called an American commission, is empowered to dispose of these lands without consulting a single inhabitant of these islands. If we ever intend to give these people any voice in the administration of their own affairs, we certainly should not dispose of these lands until these people have been given a controlling voice in their affairs.

I understand, Mr. President—and I am sure I have seen it so stated—that General MacArthur has recommended that the public lands in the Philippine Islands be kept together; that they be preserved until we know the status of the Philippine Islands, until we determine what we shall do there; and notwithstanding that fact the Philippine Commission is empowered to dispose of more than 75 per cent of the lands in the Philippine Islands.

Section 13 provides—

that, pending the preparation and until the adoption of rules and regulations as provided in section 8, the government of the Philippines—

Which is really the Philippine Commission—

is hereby authorized and empowered, on such terms as it may prescribe, to lease, let, and demise to actual occupants, settlers, and others, for a term of not more than five years, such parts and portions of the public domain other than timber and mineral lands of the United States in the Philippine Islands as it may deem wise, not exceeding 160 acres, or its equivalent in hectares, to any one person, nor more than 3,000 acres to any corporation or association of persons.

I believe that has been amended so as to read 40 acres. When they come to the Filipino they have amended the bill so as to give him but 40 acres, but they leave in the bill the provision in regard to corporations so that they can still have 5,000 acres.

Now, I go further. Take section 15. Those who have taken the trouble to investigate the conditions existing in the islands know the value of the forests of these islands. We know how deeply these people and their children are interested in the preservation of these forests. This section provides that timber, trees, forests, and forest products on lands leased or demised by the Philippine government shall not be cut, destroyed, or removed, except by special provision of said government and under such regulations as it may prescribe. Mark you, Mr. President, the timber and the trees and the forests can only be cut and destroyed by permission of the Philippine Commission. If there is anything the Philippine Commission is not authorized to do in this bill I have been unable to find it. The Philippine Commission, which in reality ought to be called the American Commission, have the right to authorize all the timber, the trees, and the forests in these valuable lands to be cut and destroyed; they can do so, notwithstanding the fact that every Filipino in those islands may protest against such a course. In fact, this bill contemplates that the Philippine Commission, composed of American citizens, shall have the right and privilege to dispose practically of all of the lands before any civil government is ever established in the Philippine Islands by and for the Filipinos.

Section 18 also provides "that all valuable mineral deposits in public lands in the Philippine Islands, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the land in which they are found to occupation and purchase by citizens of the United States, natives of the Philippine Islands, and persons who have, under and by virtue of the treaty of Paris, acquired the political rights of natives of the Philippine Islands." Thus far we have seen, by virtue of the provisions of this bill, that this same Philippine Commission, which is to last always, so far as this legislation contemplates, is empowered to dispose of the lands and the timber and the minerals located in those islands. The bill is long and embraces many sections, and time will not permit me to analyze every section.

I should like to go through a dozen more sections and give the views which I entertain regarding them. I am afraid that we have devoted too much time in this discussion to the general Philippine policy and have not said enough about this bill. The truth

is that 90 per cent of the time we have discussed the general Philippine policy and have not said a word about the bill upon which we are to vote.

This same Philippine Commission, by section 64, is authorized to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain, and by section 66 this same Philippine Commission is given additional powers, for this section provides that all lands acquired by virtue of section 65 of this act shall constitute a part and a portion of the public property of the Philippine Islands, and may be leased, let, sold, and conveyed by the government of the Philippines on such terms and conditions as it may prescribe. This Philippine Commission is not only authorized by the provisions of this bill to exercise the right of eminent domain and sell bonds for the purpose of buying the lands belonging to the friars, but they are also empowered and authorized, after they have purchased these lands, to sell them on such terms and conditions as they may prescribe. They can sell these lands for \$10 an acre or for 5 or 10 cents per acre. Where in the history of the world will you find such powers as this bill gives to the Philippine Commission, commonly called the Philippine government?

That is not all, Mr. President. This is a wonderful bill. No czar, no king, no man has ever been known to exercise the power over a race of people that this bill gives to the Philippine Commission over the people of the Philippines. I say, Mr. President, they can make laws; they can define crimes, and the life, liberty, and property of the Philippine people are absolutely in the hands of the Philippine Commission.

A careful perusal of the bill shows that the same Philippine Commission, originally composed of five American citizens, may grant franchises, privileges, and concessions, including authority to exercise the right of eminent domain for the construction and operation of works of public utility and service. This is an important right—one that will materially affect the future development of those islands, and one about which the intelligent people of those islands ought to be consulted. The Philippine Commission by provisions of this bill is not only authorized to levy and collect taxes, to make laws for the government of these people, to dispose of the public lands in those islands, to cut and destroy the timber thereon, to dispose of the mineral and coal interests located thereon, and to grant franchises, privileges, and concessions, but this same Philippine Commission is authorized to go still further.

I do not know what amendment the junior Senator from Massachusetts has moved to that provision of the bill to-day, but I do not think it has been materially affected.

Section 72 of this bill is a remarkable one. My attention was called to this section of the bill by a Senator on the other side. We know that the city of Manila is a city of a population of nearly 300,000 people, and Governor Taft tells us, in his testimony before the Philippine Committee, that in point of morals and intelligence the city of Manila will compare with any city in the United States of a similar size. In this city can be found eminent lawyers skilled in the science of government, teachers, students, bankers, and physicians. Governor Taft tells us that the bar of the city of Manila is composed of many eminent lawyers, graduates of the universities of England, France, and Germany. It would seem that the party in power would be willing for the city of Manila to exercise the functions of municipal government; but not so.

Section 72 of this bill provides that for the purpose of providing funds to construct sewers in the city of Manila and to furnish it with adequate sewer and drainage system and supply of water this same Philippine Commission is authorized to permit the municipality of Manila to incur indebtedness, to borrow money, to issue and sell, upon such terms and conditions as it may deem best, registered or coupon bonds to an amount not exceeding \$4,000,000, lawful money of the United States, payable at such time or times as may be determined by the government of the Philippines, which is really the Philippine Commission, with interest thereon not to exceed 5 per cent per annum. This Philippine Commission is authorized to expend this money. When the people of the city of Manila are told that they can not issue bonds, that they can not carry on a municipal government except under the direction of this same Commission, composed of American citizens, what effect will such legislation have upon the inhabitants of that city?

This city of 300,000 people, composed of a population, Governor Taft tells us, both moral and intelligent, are practically deprived of the right of a municipal government. The property of the city is to be mortgaged for \$4,000,000. These people are to have no voice as to the issuance and the selling of these bonds. Such legislation will certainly be galling to these people and is not calculated to bring about friendship and cordial relations between those people and ourselves, but will every day widen the breach and chasm now existing. This same bill also provides that, when these bonds are issued under the direction of

this Philippine Commission, they shall be nontaxable by the Government of the United States, and that no State in this Union or city in any State in this Union shall have the right to tax the holder of these bonds.

Now, Mr. President, I grant you that the Government of the United States has the right to issue bonds and to provide that these bonds shall not be taxable by any State or municipality. But where in the history of this Republic will you find that the Government of the United States has authorized a city in any of its territory to issue bonds and further to provide that bonds issued by such city can not be taxed by any State of municipality in this Union? Under the provisions of this bill, if some syndicate in New York, Baltimore, Savannah, or Atlanta should purchase these bonds drawing 5 per cent interest, payable semi-annually, then the holder of the bonds could not be taxed by the State or city wherein they are held. I presume this feature was inserted for the manifest interest of the syndicate or syndicates now getting ready to purchase the bonds. When will this special legislation cease? When will you cease to neglect the interest of the entire people for the benefit of a few?

This is not all. I have before me section 68 of the bill, which provides municipal bonds for public improvements. This bill does not stop with the city of Manila. It does not stop with giving the Philippine Commission power to issue bonds against the city of Manila. Section 68 provides that for the purpose of providing funds to construct sewers to furnish adequate sewer and drainage facilities, to secure sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the Philippine Commission, under such limitations, terms, and conditions as it may prescribe, may permit any municipality of said islands to incur indebtedness, borrow money, and issue and sell registered or coupon bonds in such amount and payable at such time as may be determined by the Philippine Commission, with interest thereon not to exceed 5 per cent per annum.

I am amazed when I critically examine the various sections of the bill and when I realize the power we contemplate giving to the Philippine Commission, which is to be a permanent institution. They are authorized to sell the lands in those islands, to cut timber, to dispose of the mineral and coal interests, to grant franchises and concessions, to issue bonds against the city of Manila, and to issue municipal bonds against all the cities and towns in those islands. If they exercise all the powers given them by virtue of the provisions of this bill, in a half dozen years they can dispose of practically every interest in these islands.

So far as I know, the Commission is composed of upright and intelligent men, but the powers which we have given to them to be exercised in the Philippine Islands are arbitrary and against the spirit and genius of our free institutions. When the educated and thoughtful people of the Philippine Islands shall be conversant with the provisions of this bill they will at once reach the conclusion that for all time to come the Philippine Commission is to exercise the functions of government in those islands. This bill, instead of carrying a message of good will and good fellowship to the people of these islands, will convey to them that to-day, to-morrow, and for all time to come we are to be their masters—their rulers—and they are to be our slaves.

This legislation gives to them no hope, gives to them no promise that eventually they shall become a free, happy, and independent people. This legislation gives to them no voice in their own internal affairs. When criminal laws are to be made, their lawyers are not to be consulted. When sanitary laws are to be enforced, their physicians are ignored. When a system of education is to be put in operation, their teachers are thought to be unworthy of consultation. When the entire affairs of those islands are to be conducted for years to come, no Filipino is to be consulted. This bill means perpetual war. I can not describe the effect that I believe it will have on the people of those islands. When they read it, when they study it, when they see its provisions discussed through the public press, they will reach the conclusion that America will never extend to them the hand of friendship and love.

I can readily understand why it was that Governor Taft, when he was before the Philippine Committee during the present session of Congress recommended that these people be given a general assembly. He knew at the time he gave his testimony of the far-reaching effect of this legislation. He realized the powers given to the Philippine Commission in dealing with the people of those islands, and he desired their cooperation and asked that they be given a general assembly.

On page 333 of his testimony I find valuable suggestions from Governor Taft. He said to the committee:

I think that a popular assembly is what the people desire, and I think it is the best possible means of educating their educated men in popular government. It will give them an opportunity to meet, to express their views, to take part in legislation, to propose and enact laws which they deem useful in the country; it will give them a part in the government, and will by practice teach them what self-government is.

He went still further. The distinguished governor said:

We recommend that in our report, and I am sure that with that the people will have confidence that our statement to them that we desire to educate them in self-government and give them a measure of self-government, increasing it gradually as they become more fitted for it, is true.

Senator ALLISON asked the question:

It is a legislative body of all the provinces; that is, it is a general body? Governor TAFT. Yes, sir. I would not include therein the Moro provinces, for, as I have already stated, the Moros do not desire popular government.

He furthermore said that—

We look to the gradual growth of popular government by giving a qualified suffrage now, such as is given in the municipal code, which will enlarge itself by the progress of education, because that is the educational test largely; and with the teaching of English, which is to be done and is now being done throughout the island, those who learn English will become at once entitled to vote. Next, by providing within a measurably short time a popular assembly, which shall, within an appointed body, make up the legislative body of the islands.

These recommendations by your civil governor have been entirely ignored, and the pending bill makes no provision whatever for any general assembly of this people at any time in the future. The same distinguished governor further on tells us in his testimony, on page 338:

What these people desire definitely, as I understand it, is a declaration that Congress expects to establish a civil government and to say what kind of a civil government it is. They also point out that they would like to know where the Filipinos stand with reference to the rights under the Constitution and with reference to the United States in relation of the islands to the United States.

An investigation of our entire relations with these people will show that all the trouble that has occurred between them and our Government has resulted from a want of a policy as above described. Congress, in less than one day in a dozen lines could have declared a wise and patriotic policy that would have prevented the firing of a single gun and the shedding of a drop of blood. But, Mr. President, we will not heed the recommendations of those we send there when those recommendations are in favor of a liberal policy toward the people of the Philippine Islands.

I have before me the testimony of Professor Barrows, who was assistant superintendent of education in those islands for more than two years and who was thoroughly familiar with the desires, wishes, and aspirations of those people. I do not believe that I have read the testimony of any witness more conversant with the conditions existing there than the testimony of Professor Barrows. He sustains the position which many of us on this side of the Chamber have been taking all the while.

On page 690 Professor Barrows testified before the Philippine Committee as follows:

I think the Filipinos are extremely anxious that Congress should take action defining their status, and I think they are very anxious for the organization there of a legislative assembly, through which, as they have themselves expressed it to me, they can secure parliamentary training and political experience and through which they can express their views.

The declaration on the part of Congress that a liberal policy toward them was not to be followed would certainly disappoint them very much, and would alienate them, I think, to a considerable extent.

Professor Barrows, in response to a question asked by Senator CARMACK, said that if Congress should fail to make any declaration at all and just let things drift along as they have been drifting, these people would be greatly disappointed.

I think it would be a great disappointment—

Said he—

to the educated people of the Philippine Islands who are politically interested and who are politically aggressive. They have been looking forward—

Said Professor Barrows—

with great hopefulness to this action of Congress, but they have realized that the persistence of hostility in Batangas and in Samar on the part of the troops under General Malvar and General Lukban may possibly have a great influence with Congress to deter action.

Senator CARMACK then asked Professor Barrows the question pertinent to the issue we are now discussing, that—

they might ascribe any failure to act now to the existence of hostilities. But with the suspension of hostilities, and Congress still failing or refusing to meet their desires, it would cause great distrust, would it not, and tend to alienate the leaders from sympathy with us?

Professor Barrows said:

I think it would. In other words, I doubt, I very decidedly doubt, whether we can continue to rule that people, with their strong ambitions, with the tendency there to develop a constantly more enlightened class, without a liberal policy being entered upon.

Both Governor Taft and Professor Barrows are conversant with conditions existing in the Philippine Islands, and both of them have recommended to Congress that a general assembly be given to the Filipinos. They recommended that as a solution of the great problem now arising in the Philippine Islands the people of those islands should have some voice through their representatives. But notwithstanding these recommendations this bill ignores these most valuable suggestions. Professor Barrows told the Committee on the Philippine Islands that—

the result of intrusting them with a limited amount of political activity, intrusting them with public office, is educative in its effect; and that as they become more educated and as they come to understand us and our purposes better our position becomes securer and the whole situation becomes safer.

I can easily understand why Professor Barrows has recommended that we pursue a liberal policy toward the people of these islands. For more than two years he has come in contact with the population of the different provinces, endeavoring to establish schools among them, and, judging from what he has learned, he realized that these people aspire to self-government, that they are ambitious to participate in the organization of government in those islands, and he recommends that Congress should gratify in part their desires and wishes. When schools are established, when schools are located and teachers selected, these people desire to be consulted as to how their children shall be educated. When municipal government is put into operation, when bonds are issued and sold, when offices are created and officials are selected, it is but natural that these people seek to have a voice in administering their own affairs. They are not without ambition, neither are they without pride. If so, then, Mr. President, we have a task before us that is hopeless.

The intelligent and thoughtful population of the Philippine Islands will study most carefully this legislation. They will reach the conclusion that Congress has undertaken to give to the Philippine Commission, composed of American citizens, the power and authority to rule for all time to come the Philippine Islands. When their lands are to be disposed of, when their forests are cut and destroyed, when their minerals are exploited, when franchises and concessions are granted, when a system of education is to be put into operation, when municipalities are to be organized, when the jurisdiction of courts are to be defined, when taxes are to be levied and collected, when officials are to be appointed, this vast population of 10,000,000 of people are absolutely at the mercy and control of the Philippine Commission. No intelligent man can study this bill and reach any other conclusion. When this bill shall become a law and when the people of the Philippine Islands shall understand its provisions, greater dissatisfaction will exist in those islands than in any other period since the ratification of the peace treaty.

The educated and intelligent people of the Philippine Islands will study this bill, and history teaches us that the great masses of the people of the Philippine Islands rely entirely upon the leadership of the educated Filipinos, and public sentiment in those islands will crystallize against this unjust, harsh, and tyrannical legislation. I have said before that I was unalterably opposed to incorporating the people of the Philippine Islands as an integral part of the United States. I have often said on the floor of this Chamber that I abhorred the idea of the Government of the United States engaging in the colonial business. Then there is but one other course for us to pursue, and the plan mapped out by the members of the committee representing the party to which I belong, which provides for the gradual independence of the people of the Philippine Islands, meets my most hearty approval.

I do not believe that the permanent retention of the Philippine Islands, from a commercial standpoint, is desirable. I believe that it can be demonstrated that the trade which we are now obtaining and which we are likely to obtain in the future will never be worth to us what it will cost. The annual report of the Secretary of War, submitted to Congress, on pages 76 and 77, says the total value of merchandise, exclusive of army supplies, imported during the fiscal year of 1901 into these islands was \$30,279,406. The total value of the merchandise exported from the islands for the same year was \$23,214,948, consequently the total of exports and imports was only \$53,494,354. An examination of these figures will show that only a small per cent of this business was done with the United States. The figures are really humiliating to us.

We can not expect the people of the Philippine Islands to trade with us when we are shooting them down and destroying their homes. The imports to the United States from the islands were only \$2,855,685, and the exports from the United States to the islands only \$2,572,021. The total exports and imports to and from the United States were only \$5,427,706. We only received about 10 per cent of the trade of the islands during the year of 1901. Doubtless the profits arising from our trade with the Philippine Islands during the same period was less than a million dollars, and to secure this trade we spent fully \$85,000,000. If our trade in the future with the Philippine Islands shall be no larger than it has been in the past, it would take more than four hundred years to realize in profits from commercial relations with these people the amount that we have spent to subdue them since the ratification of the peace treaty.

If we had even enjoyed the privilege of furnishing all the exports, and had received all of the imports of the islands for the whole year, the amount would have been a little more than \$50,000,000. The total profit on this trade could not possibly exceed eight millions per year if we had enjoyed the privilege of the entire trade with the islands. The people of the Philippine Islands at this time are more anxious to trade with Great Britain, France, and Germany than they are with the United States. If

we had maintained friendly and cordial relations with these people, how different might have been the situation. But I was going on to say, Mr. President, that if we had enjoyed the entire trade with the islands the profits arising from the trade would not have exceeded \$8,000,000 per year. We have spent fully \$400,000,000 to subdue these people.

Discussing the question from pure dollars and cents, taking the position that we can enjoy the entire trade of the islands and that the profits arising from the trade would be equal to \$8,000,000 per year, how long would it take us to get back the four hundred millions already spent in those islands? If we enjoyed the entire trade of the islands and the profits were equal to eight millions per year it would take fifty years to get back the principal we have spent in those islands, not taking into consideration the loss of life. We can not hope, however, to enjoy the entire trade of these islands. We certainly can not hope to enjoy their trade unless we reverse our position and regain their friendship. It is generally admitted that it costs our Government \$1,500 per man to maintain our Army. When we had 70,000 soldiers in the Philippine Islands it cost us from eighty-five to ninety million dollars per year to maintain the Army there.

Speaking from a pure commercial standpoint, I am unable to see how the present Philippine policy can justify the expenditure of eighty-five millions to secure \$5,000,000 in trade. The interest on \$400,000,000, which we have spent in the Philippine Islands, will more than treble the profits of our trade in the Philippine Islands. Other nations, without the use of an army and without incurring the expense of a dollar, are now enjoying over \$48,000,000 worth of the trade of the Philippine Islands. How long shall we continue this reckless, extravagant, and unnecessary expenditure of the public money? How long shall we continue to expend eighty-five millions per year in order to secure five millions of trade?

From a commercial standpoint our policy is unwise and foolish. The time has come when we should recognize the true situation, when we should exercise the part of wisdom and statesmanship, when we should reverse our action and declare for a policy which is just and liberal, which will satisfy the wishes and desires of the people of those islands, which will bring about peace and friendly and commercial relations between those people and ourselves, and which will maintain the honor and dignity of our Government, and which will perpetuate and preserve forever our free institutions.

Mr. SPOONER. Mr. President, I am very reluctant to address the Senate again upon the Philippine question, and I am keenly anxious to be through with what I have to say, peculiarly so in view of the suggestion, which I resent, that I have sought time for speech with a view to precluding others from replying.

If the people of the United States take much note of what occurs in this Chamber they must have been strangely impressed by the proceedings here at this session in relation to the Philippines. We spent some weeks in debate in the early part of the session upon a Philippine bill; to speak more accurately, not upon a Philippine bill, but upon the general Philippine subject.

That was a very simple bill, Mr. President. It was an emergency bill. It did not deal at all with the policy of the United States as it is, or as Senators think it ought to be. It was a tariff bill intended to raise money for the support of the Philippine government, to administer the courts with their writ of habeas corpus, to furnish additional educational facilities, and generally to carry out the policy thus far pursued of giving as rapidly as possible the advantages of a better system of government to the people of the Philippine Archipelago.

When we protested mildly that that was not the proper bill to be delayed indefinitely by general debate upon the Philippine policy, and that such debate would be more appropriate to the discussion of the *Philippine government* bill, we were told that that bill involved the whole subject, and that there would be little, if any, debate on the government bill, except that which pertained to its provisions.

We have been disappointed in this respect, Mr. President. We have been spending weeks here in debate, not especially upon the government bill and its provisions, but, pending the consideration of the government bill, upon the general Philippine policy of the country.

It is a little odd that this bill, intended to *exalt civil government* in those islands, to more *efficiently* and more *quickly subordinate the military authority* there, should be delayed almost indefinitely by speeches, the object of which has been to show that the *military operations in the archipelago have been infamous in their torture, cruel beyond expression, and therefore a dishonor to the people of the United States*. If that were true one would think Senators would have been *anxious to facilitate the passage of this bill in order that that unhappy element might be speedily eliminated*.

It has been a strange debate, Mr. President. I am forced to

say that on both sides it has been a debate characterized by very much more than ordinary ability and eloquence. But when one looks through the speeches which have been made here by the minority (for it is well known that with proper amendments this bill will pass) one finds in them nothing but pessimism, nothing but the gospel of despair, nothing but suspicion and distrust and imputation of the motives and character of all who differ with them upon this subject.

The Senator from Tennessee [Mr. CARMACK] made a speech which rhetorically and oratorically was a credit to him. He said many bitter things in that speech. Some of them in a manly way he withdrew, and as to them there is nothing more to be said.

But, Mr. President, I think he left observations in that speech which, in the days to come, he will regret. I will not think he meant deliberately to tell the Philippine people that we are there to enslave them. I will not think he intended to impute to President McKinley, a fragrant and blessed memory forever in this land and in the world, a commercial-dollar motive in the negotiation of the Paris treaty and its transmission to the Senate. I will not think he intended to grossly misconstrue the cablegram which was sent by direction of the President to Admiral Dewey at Manila to examine and report upon the islands as to naval and commercial advantages, including coal. I know he did not mean to say that the President had in mind individual or syndicate "exploitation." I know he did not mean to impute any purpose other than one in the general public interest to find that island, if we were to take but one and if we took any, which would afford adequate harbor and coal for our war ships and a resting place for our merchant ships.

The Senator indulged in some observations in relation to the President of the United States. I think some day he will regret that he did so, because, Mr. President, it is a tradition of both parties which should always be observed, and it is in the public interest, too, that each coordinate branch of the Government shall treat with respect the other. The Senator likened the President in his characteristics to a horse whose natural gait is "running away," intending to give the impression that he regarded him as a man of impulse, who speaks and acts without due thought and deliberation. If the President of the United States should publicly make an observation of that kind about a Senator he would not be forgiven. The President of the United States is a man who does not run away from any duty or from any danger.

When the time came, Mr. President, to send the American flag, not to stay, but to come down when its mission had been accomplished—carried by our soldiers to Cuba, Theodore Roosevelt did not "run away." He left his place at the capital here and went there as a soldier and fought there as a soldier, with the bullets of the enemy "weaving lines of death and danger around him and above him," offering his life—and who could offer more—for what? For the liberty of a people; for the independence of Cuba. He has won the right to be regarded, if any man has, as the daring, steadfast, strenuous friend of liberty everywhere. He is not slow to perceive his duty, nor is he slow to do his duty.

The Senator also referred, and I thought it was not fair, to a statement in the newspapers of a supposed "conference," and assumed that "instructions" had been given by the President to introduce in this debate, in order to hide the atrocities of the Army in the Philippines from the public gaze, a discussion of what is called sectionalism. I think the Senator really will not believe that. The President is one of the last men to do anything or advise anything to mar the harmony which exists and ought to exist between the sections. His utterances have been the other way. The associations of his life are the other way. I could not but think, as the Senator spoke, of what occurred a little time ago when the brilliant and eloquent Senator from Missouri [Mr. VEST], in speaking tender words of eulogy over our late colleague here, Gen. Wade Hampton, took occasion to pay tribute to President Roosevelt for the generous manner in which he had commented upon the career of General Lee.

Few have escaped in this debate conducted by the other side who have had in any way to do with the Philippines. Governor Taft had cast upon him not only by suggestion, but by argument, the imputation that he had willfully suppressed before the committee two reports. There was but one answer that needed to be made to that, and that is that Governor Taft is and always has been a gentleman.

Really, this debate has been so full of generalities of a malignant sort as to affect my kindly friend from Mississippi [Mr. McLAURIN], who read from a book here one day to establish the proposition that old General Gomez is a brute and tried to slaughter a little boy with his sword, and then that Gomez and his staff were "afraid of the cars."

He was led to do that by the mistaken impression that Funston, then unknown to fame, at the time was a member of Gomez's staff. Poor General Funston has occupied a large space in the debate upon this very grave and important bill. I have nothing to say

about him—he has been ably defended—except this: I can not account for this bitterness toward him unless it grows out of a consciousness that his criticism and feeling were somewhat justified. It is the same that Lawton had and that others have had. Lawton is dead and can not speak and will not be traduced. It has not injured Funston.

The general attitude of Senators who have spoken on the other side is this: "We who voted against the treaty at least are men who observed the obligations of the Constitution. You who voted for it violated it. We who are opposed to you stand by the Declaration of Independence. You disregard it. We are the friends of the Army. You are its assailants. We love the flag and you 'vulgarize' it. We hate atrocity and you defend it. We wish to give liberty to the Filipinos and you are giving them bondage—are trying to enslave them." It is a modest attitude, of course, but not altogether persuasive.

Mr. President, some extracts have been read here from a speech of mine on the treaty, of course intended to show that I am inconsistent. It is a matter of no consequence whether I am or am not inconsistent. I have never cared overmuch for consistency. I have always reserved to myself the right to change my mind if, on further reflection, I thought I should do so. But I have not changed my attitude.

I declared myself opposed to permanent dominion in the Philippines. I speak for myself when I say that that is still my feeling. I said I would not take islands or people for trade. That is still my feeling. I would not buy trade with the blood of my own people or any other, nor at the cost of any man's liberty.

I ridiculed the notion that the flag once put up never shall come down. I said it was put up in Cuba, and when another representing and standing for a new-born republic there should go into the air, our flag would come down—come down in honor as it went up in the interest of liberty. And so it has. But that has nothing to do with this bill or with the general Philippine subject. Only I have not changed my view.

I voted against Hawaii. I did not want to take that first long step out into the Pacific. I did not look upon it—I differed with my party upon that question—as for the interest of the United States or the interest of the people of Hawaii that those islands should be annexed. It was done, and I quit. I have never criticised the men who differed with me. On the other hand, Mr. President, I think I may justly say that industriously and to the best of my ability I have cooperated with my colleagues here in an endeavor to give to Hawaii the wisest, best, and most liberal government which could be devised.

I found no fault with those who voted against the ratification of the treaty, Mr. President. It was not only the right, but the duty of every Senator, to vote as his conscience and judgment led him to conclude.

But I have been surprised at the course pursued by some who voted for it and some who voted against it. I have been surprised by the statement, so often reiterated here, that if we had adopted the Vest amendment, assuming as to the Philippines the same relation we assumed by the treaty as to Cuba, or that if after we had ratified the treaty without the Vest amendment we had passed the Bacon resolution, there would have been no trouble in the Philippines; that they were all our friends then, including Aguinaldo, and would have been our friends, our devoted friends, now and forever after.

Mr. President, it seems to be forgotten that before the treaty was ratified and before the Senate could vote upon the Vest amendment or on the Bacon resolution our troops in Manila had been attacked and hostilities had broken out. Aguinaldo and his associates, having an agent in this city, knowing that the amendment and the Bacon resolution—for they were public—were pending, could not and would not wait to ascertain in peace what the action of the Senate would be upon them. But there was an attack and there was war.

He had long intended to attack us. He was so "friendly." Here is the translation of a captured cablegram or letter sent on the 3d of February, 1899, the day before the attack, by the agent of the "Filipine republic" in London.

Mr. ALLISON. A friendly republic?

Mr. SPOONER. Yes; a "friendly republic;" just as friendly as it was a republic; perhaps more friendly than it was a republic.

SEÑOR REGIDOR TO KANT.

MY DEAR FRIEND AND FELLOW-COUNTRYMAN: Thanks for your Christmas card; I return my best wishes. In the last two mails I sent first a letter to the general and then one to Señor Mabini. I hope that you read them. Next Monday we shall know what to expect on the question of the treaty.

They knew what was going on. It was on Monday we were to vote. It was the day fixed for a vote.

According to two telegrams which I have seen to-day its passage is not certain. Still I believe without any doubt that it will pass, because otherwise it would be a crushing blow to McKinley, and he will wish to avoid exposing himself to it. Whether it passes or not, you must prepare yourself for a

further increase in the American forces in the Philippines. Some are going by way of the Pacific and others by the Suez Canal. If the treaty is approved, these forces will serve to immediately attack the Filipino troops. Do you not think it would be well for them to be attacked the moment the treaty is approved here?

And then follows more, but I will not read it all:

One of our friends unquestionably devoted to our cause proposes a plan to me which seems certain to me to bring us some thousands of dollars which could be applied to the purchase of arms and munitions and especially some effective torpedoes, which would serve to repeat in the bay of Manila the scene in that of Habana, which would serve to give a fortunate termination to our struggle.

Mr. HOAR. Did the Senator say that was a cablegram?

Mr. SPOONER. I say it is a copy.

Mr. HOAR. Of a telegram?

Mr. SPOONER. Of a letter.

Mr. HOAR. The Senator said, as I understand, a telegram. I thought it was the funniest telegram I ever heard.

Mr. SPOONER. A letter. There are a good many funny telegrams in this business.

Mr. HOAR. That seems to be one of them.

Mr. SPOONER. Mr. President, I have here a record of the vote upon the treaty. We who voted for the treaty are all said to have been pretty bad men, so far as judgment is concerned. I take the liberty of reading the names of the Senators who voted for the treaty.

ALDRICH, Allen, ALLISON, Baker, BURROWS, Butler, Carter, Chandler, CLARK, CLAY, CULLOM, Davis—

One of the most brilliant men we ever had here, now dead and gone—

DEBOE, ELKINS, FAIRBANKS, Faulkner, FORAKER, FRYE, GALLINGER, Gear, Gray, HANNA, HANSBROUGH, HARRIS, HAWLEY, JONES of Nevada, Kenney, Kyle, Lindsay, LODGE, McBride, MCENERY, McLAURIN, McMILLAN, Mantle, MASON, MORGAN, NELSON, PENROSE, PERKINS, PETTUS, PLATT of Connecticut, PLATT of New York, PRITCHARD, QUAY, Ross, Sewell, Shoup, SIMON, SPOONER, STEWART, Sullivan, TELLER, Thurston, WARREN, WELLINGTON, and Wolcott.

Barring myself, that is a very respectable group of Senators. Those who voted in the negative are:

MESSRS. BACON, BATE, BERRY, CAFFERY, CHILTON, COCKRELL, DANIEL, GORMAN, HALE, HEITFELD, HOAR, JONES of Arkansas, MALLORY, MARTIN, MILLS, MITCHELL, MONEY, MURPHY, PASCO, PETTIGREW, RAWLINS, ROACH, SMITH, TILLMAN, TURLEY, TURNER, and VEST.

The pairs were as follows:

Mr. CANNON and Mr. PROCTOR with Mr. WHITE.

Mr. WETMORE and Mr. WILSON with Mr. TURPIE.

A very respectable group of men. I would not impugn the motive of any one of them. Every man who voted for that treaty—some of them voted for it reluctantly after grave consideration, and I was one of them—voted conscientiously and in the belief that President McKinley had been right in negotiating it, and that the Senate was right in ratifying it. This was not a party vote, and when Senators on the other side, with vituperative words inveigh against the ratification of that treaty and denounce it as mistaken "Republican" policy they are inveighing against some of their best associates, some of the oldest and truest Democrats and some of the ablest, most conservative, and liberty-loving men their party has ever known.

The President negotiated the treaty and sent it to us. We were independent of him in the action which we took upon it. He had done his part. It was for us to do ours, and we did. For one, I never have seen the hour, Mr. President, when I regretted the vote I cast for the treaty.

Is that what led to war? Is that the origin of all these "atrocities," of all this waste of treasure? Is that what broke down a "Philippine republic?" Is that what violated the Constitution of the United States? Many brilliant Democrats outside of this Chamber were potential by their advice in securing the ratification of the treaty.

The Senator from Massachusetts [Mr. HOAR], whose great career is one of the treasures not only of his State but of this Republic, whose sincerity no one can challenge, and who has done great things, Mr. President, for the whole people and for liberty, took occasion the other day to refer to me by name and to an observation I made when the McEnery resolution was under consideration. I supposed I had on my desk exactly what I said, and intended to quote it, but in substance I said that I would not make promises to a man with a revolver at my breast. I say it now. I said that I would not make promises to men who were training guns, part of them furnished by us, on soldiers of the United States where they rightfully were. I say it now. I have never had, nor have I now, any apology to make for that utterance. The Senator said—

Mr. HOAR. Mr. President—

The PRESIDING OFFICER (Mr. PLATT of Connecticut). Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.

Mr. HOAR. May I ask the Senator from Wisconsin if he likens the case of an affray breaking out between two armies

stationed near together and the general of one of them drawing his troops back and sending word to us that he was sorry it had happened and did not expect to have it break out—on one side the Filipino people and on the other this great Republic—to the case of a man holding a revolver to his breast? Does he think that is a fair illustration?

Mr. SPOONER. Oh, Mr. President, I did not limit my remarks to that illustration; the man with a revolver at my breast; and moreover the Filipino troops were not drawn back. They were driven back. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. HOAR. I do not think, if the Senator will pardon me, that he quite states the historic fact on that occasion. I understand that Aguinaldo instantly expressed his regret for the occurrence and a desire to maintain peace. Whether he drew back his troops or whether they were driven back, he offered to draw them back and remove the soldiers to a place where it would not occur again. I think, however, I should apologize to the Senator. I do not think it is fair to interrupt him.

Mr. SPOONER. I have no objection.

Mr. HOAR. If the Senator will permit me—

Mr. SPOONER. Certainly.

Mr. HOAR. I wish to say that I believe it is the desire of the entire Senate that the very able and interesting speech of the Senator from Wisconsin should be concluded without interruption or an attempt to challenge anything he says, and I regret that I rose for the purpose, contrary to my intention. I shall not do it again.

Mr. SPOONER. The Senator owes me no apology at all.

The ratification of the treaty did not provoke the attack. Aguinaldo on the 9th day of January had issued an elaborate order for an attack by his troops on our troops. Not only that, but he had written to Benito Legardo on the 7th day of January: "My dear Don Benito: I beg you to leave Manila and come here with your family—not because I wish to frighten you—I merely wish to warn you for your satisfaction, although it is not yet the day or the week."

The suggestion, Mr. President—and I am involved in this branch of the subject at an earlier time than I intended to be—that Aguinaldo did not desire the outbreak at precisely that time may be true. The cablegram advised that it be done immediately after the ratification of the treaty. But for days before it was done citizens of Manila, to the extent of 40,000 nearly, had been taking their valuables out of that city in anticipation of a fight. Aguinaldo January 13—after this order of January 9, with over 2,000 words in it, for an attack on our troops at Manila and an uprising in the city—the same day that he appointed peace commissioners to meet those appointed by General Otis to see if terms might not be arranged and a conflict avoided—received this telegram, and here [exhibiting] is a photograph of his autographic reply:

To the president of the republican government, Malolos:

We desire to know the result of ultimatum which you mentioned in your telegram, and we also desire to know what reward our government is preparing for the forces who will first be able to enter Manila.

This was on the 13th day of January, 1899, to which Aguinaldo replied in his own handwriting as follows:

As to the contents of your telegram, those who prove themselves heroes will have as rewards large sums of money, lands, extraordinary promotions, crosses of Biacnabato, Marquis of Malate, Ernita, and Count of Manila, etc., besides the congratulations of our idolizing country on account of their patriotism, and more if they capture the regiments with their generals, and if possible the chief of them all who represents our future enemies in Manila, which (lot) falls to you, or, better said, to General Noriel and Colonel Cailles. The ultimatum has not yet been sent, but will be within a few days.

He had the "constitution of a republic," copied from that of Mexico, of Argentina, and of the United States, and it prohibited absolutely the granting of patents of nobility. He had evidently learned early that great American constitutional question—"what is the Constitution between friends?" [Laughter.] Here we find him on the 14th day of January, 1899, promising to those who first should enter Manila—inspiring them to attack and urging them to the onset—patents of nobility, crosses of Biacnabato, and extraordinary grants of land and money, though he was a "friend" of ours of course and his "republic" was, and if, after he had attacked us and been whipped and driven back—as I hope every band of soldiers who ever attack the Army of the United States, wherever it is sent, will be defeated—we had made a declaration like the Bacon amendment they would have been our "friends" forever and forevermore!

Mr. President, it has been said here that Aguinaldo, after this attack on our troops at Manila, sent a flag of truce with a request for an armistice. I presume that is what the Senator from Massachusetts [Mr. HOAR] referred to a few moments ago. That has been absolutely denied by General Otis, not only officially, but in his testimony, as I understand it, before the Committee on the Philippines. Am I wrong about that?

Mr. ALLISON. That is right.

Mr. SPOONER. What he stated to be the fact was this: Judge Torres, who had been connected with that government, though then not a soldier, and, as I recollect, residing in Manila at the time, came to General Otis, asking if something could not be done to secure an armistice and the delineation of zones which each army might occupy, to the end that further trouble might be avoided, to which General Otis replied that as Aguinaldo had "commenced fighting he must apply for cessation;" that he "had nothing to request from insurgent government." He passed Torres and his associates through the lines, and they went to Malolos. They came back, reporting what they had stated to Aguinaldo at Malolos, and that he had said—I do not remember the exact language—that if General Otis wanted an armistice he did not object; but he sent back a formal answer by this messenger, Judge Torres, to General Otis; and what was it? *It was a declaration of war against the United States.*

Mr. President, it was said by the Senator from Georgia [Mr. BACON] that until the ratification of the treaty, as I understood him, without amendment putting the Philippines in the same relation to us as Cuba, or without the declaration of the Bacon resolution, they were perfectly friendly to us and never had thought of war with us. This surprises me, in view of the fact that it is in the RECORD, in a document signed by Aguinaldo and his associates of the junta at Hongkong, before he went back to the Philippines at all, that it was decided as one reason why he should go against his will, that in that way he could obtain arms from the United States, and if dissatisfied later with the course of the United States toward the archipelago they could turn those arms against the United States. From the beginning they considered and arranged for the possibility of war with the United States.

It has been said here that they were only children and they ought to be treated like children. I notice one strange thing in all this transaction, when it comes to the Aguinaldo side of this business, to what he wants and what his alleged "republic" wants and are entitled to have, it is said that they had colleges; they had universities; they had music and art; they had great international lawyers; they had doctors; they had all the signs of civilization; they produced constitutions which challenge the admiration of the world, and their discussions of international law were as fine as any that could be found. All this has been said to show that they were fit and civilized and proper representatives of a republic. And yet when we hold them to responsibility for outrage, to responsibility for violence, they are no longer statesmen, they are no longer educated, they are no longer responsible—they are "children!" Well, children have to be spanked sometimes when they do not behave themselves. [Laughter.]

It is said they had been struggling for independence. There is nothing in the history of the Philippine Islands to warrant that statement—nothing that I have ever been able to find. They have had insurrections in those islands, but they have been sporadic. There has never been a general insurrection in the islands. There has been one in this island, that island, and the other against the Spanish Government. For what? To secure reforms and in protest against outrages and tyrannies, but never in all the history of those islands have I been able to learn that there has been an insurrection the object of which was independence.

Why, Mr. President, the Senator from Alabama [Mr. MORGAN] read this afternoon—and it is very interesting—from some of the captured documents; and among them was found the preliminary treaty of Biacnabato. It was signed by Aguinaldo and was his proposition of terms for discontinuing the insurrection with Spain. He had led an insurrection—this was in 1896; he had been whipped everywhere by the Spanish troops; he had been driven to the mountain fortress of Biacnabato, where he "proclaimed" a republic—a republic of which he was the president, and he was also the republic; and when Paterno went there to propose some adjustment on behalf of the Spanish captain-general, Aguinaldo consented and presented his terms. I only mention this, Mr. President, to show how much idea Aguinaldo had of a republic and of independence.

You will remember that some time before the war broke out with Spain, or about the time, Agoncillo proposed an alliance between the Filipino republic and the Republic of the United States, when the Filipino republic was without an army, without a ship, without a local habitation—a junta in Hongkong. This draft, which Aguinaldo wanted signed by the Spanish captain-general for putting an end to the insurrection in the Philippine Islands, he drew in this way:

The Excellent Señor Don Pedro Alejandrino Paterno, having unexpectedly appeared in the mountain of Biacnabato on the 9th of August, 1897, in the headquarters of the president of the Philippine republic,—

Proposing terms by which he and his companions, in consideration of a certain sum of money should surrender their arms and leave the Philippines, he still asked the Spanish Government to

recognize the Philippine republic; and him, as its president, and Paterno struck out this childish recital.

The undersigned, Don Emilio Aguinaldo, president of the Philippine republic—

They struck out "president of the Philippine republic" and put in "chief of the revolutionary army." They agreed upon the money consideration; and here were the reforms which he asked: He was going to quit, to surrender his arms, and go over to Hong-kong or Singapore.

I. Expulsion of the religious orders or at least regulations forbidding them to live together in cloisters.

That was stricken out. The Spaniards would not accept it.

II. Representation of the Philippines in the Spanish Cortes.

That was stricken out.

III. Application of true justice in the Philippines, equal for the Indian and the Spaniard. The same laws in Spain and the Philippines. The Indians to have a share in the higher offices of the civil administration.

That was left.

IV. Change of the laws governing property, upon taxes, and the holding of church benefices in favor of the Indian.

That was left.

V. Proclamation of the individual rights of the Indian, as, for example, his liberty to combine with others in associations, and the liberty of the press.

That was left, and all the rest of it was stricken out, ultimately, with the reforms omitted, and this was a part of it:

I. Don Emilio Aguinaldo, in his quality as supreme leader of those in the island of Luzon now waging open hostilities against their legitimate Government, and Don Baldomero Aguinaldo and Don Mariano Llanera, who also exercise important commands in the forces mentioned, are to cease their hostile attitude, surrender their arms that they are using against their fatherland, and are to surrender to the legitimate authorities claiming their rights as Spanish Filipino citizens, which they desire to preserve.

It was ultimately signed and executed with the reforms omitted, part of the money was paid, and they expatriated themselves.

Mr. CULLOM. What was the money consideration?

Mr. SPOONER. Eight hundred thousand dollars, and they left the country and carried the Philippine republic with them. [Laughter.]

Talk about the similarity between the situation in Cuba and the situation in the Philippine Islands! Cuba had been struggling for independence there had been a ten years' war for independence. We had for years heard the two words—now, thank God and the American people, true—"Cuba Libre!" "Cuba Libre!" They were not fighting for reforms.

They had asked them, they had been promised them; they had been cheated again and again, until the Cuban people resolved that nothing—and that was long ago—but independence of Spain would content them; but there never has been, as I said before, and there was not when Dewey entered Manila Bay, an insurrection or a struggle in the Philippine Archipelago for liberty or independence from Spain. On the contrary, Aguinaldo proclaimed shortly after he reached Manila that he came there to prevent his associates, the former insurgents, from joining the Spaniards in an attack upon the Americans. Senators who seek to draw a parallel in the situation so far as a struggle for liberty was concerned—and when I say "liberty" I mean independence—between the Cubans and the inhabitants of the Philippine Archipelago speak without support in history.

We ratified the treaty and we drove Aguinaldo away from Manila. Does any Senator deny our right to be in Manila? The Spaniards had surrendered Manila to us. By the protocol we had entered into a solemn compact with Spain to hold Manila, and we were with our troops in and around Manila, where we had as much right to be as we have to sit in this Chamber under our flag. I say to-day again what I said a day or two after the treaty was ratified, that the attack made by Aguinaldo upon our Army was as wanton, deliberate, unrighteous, and unjustifiable an invasion of our rights as ever could have occurred in the world, and he knew it.

It has been said that President McKinley "declared war," usurping a function committed to Congress by the Constitution, by sending the instructions to General Otis, of December 21, to extend our sovereignty over the archipelago. Who was that war declared against? What was that war declared against, if it were war? Of course the President could not declare war. Only Congress can declare war. If it be true that there was a government there which had succeeded to the sovereignty and the property of Spain, then we would derive no title by the treaty, and the proclamation by the President directing our officers to extend American sovereignty over the archipelago would be, in effect, a declaration of war.

But it is necessary, in order to sustain that proposition, to first establish another—which has not been established and can never be established—that there was a government there against which war could be declared.

Aguinaldo did not treat that proclamation of General Otis as a declaration of war. That proclamation, or those instructions issued by the President, of course, antedated the ratification of the

treaty. Technically that was an offense upon the part of the United States, or the President, at least, against Spain, for her sovereignty could only be devolved upon us by the ratification of the treaty and the exchange of ratifications.

General Otis has testified before the committee that General Miller was sent to Iloilo, I think without instructions from Washington, upon the prayer of the people—the merchants, the foreigners and natives in Iloilo—that they needed his protection. When he sailed for Iloilo it was supposed by General Otis and by General Miller that the Spaniards were still in possession. It would have been a matter entirely between Spain and the United States if in that situation we had taken possession of Iloilo. General Rios had notified General Otis that he needed troops, and had asked him to loan him—it was a strange request—2,000 of the Spanish prisoners, that he might the better hold Iloilo. The insurgents had attacked Iloilo and had been repulsed with a loss of 500 and a large number of wounded, and had withdrawn.

Just before General Miller reached Iloilo General Rios withdrew from that city under instructions from the Spanish Government and betook himself to another Spanish place. General Miller was not instructed to fight. On the contrary he was instructed not to use force without further orders. General Miller, the Senator from Massachusetts [Mr. HOAR] will now admit, was not anxious to fight.

Mr. HOAR. No.

Mr. SPOONER. Well, I saw put in the RECORD by the Senator from Massachusetts [Mr. HOAR], I think in this morning's RECORD, a letter from General Miller saying that he was not.

Mr. HOAR. No; I beg the Senator's pardon. I did not mean to interrupt the Senator. After reading General Miller's letter I disclaimed any idea that he published that proclamation for the sake of bringing on a fight; but by the record, which I said I had not time to read, General Miller had repeatedly urged General Otis that he might be permitted to attack at once, fearing that the enemy were constantly increasing their strength, and that it would be much easier to do it the sooner it was done. Undoubtedly General Miller did not want the conflict—

Mr. SPOONER. Well, General Miller—

Mr. HOAR. Let me state what I said exactly, because it is important to myself that it should be stated correctly. I do not believe that General Miller, especially after reading his letter—and no man can believe it—was in favor of this conflict or wanted to bring it on; but what he did want, if I correctly recollect his letter, which you will find in the old report, is, that if he had to make the attack it should be made at once instead of waiting until the enemy had strengthened. That is the exact fact about it.

Mr. SPOONER. Any man would want to do that.

Mr. HOAR. I wanted simply to put myself right, because I did, of course, an injustice to General Miller the other day, which I tried to repair as thoroughly as I knew how.

Mr. SPOONER. That is all I said, and that is just what I said that the Senator from Massachusetts stated, that General Miller, "who notoriously did want an attack, produced it, and Aguinaldo met it with an instant and severe defiance."

Mr. HOAR. That I took back.

Mr. SPOONER. That General Miller denied, and that denial the Senator from Massachusetts accepts. So that element drops out of the case.

On January 5, as I recollect it, General Otis's proclamation was published in Manila. In that he referred to some instructions issued by the President of the United States. Then came a protest from Aguinaldo to the world against "this invasion by the United States of the sovereignty of my government." But in the declaration of war, which he sent to General Otis and which is published in the document which I can not this moment find, he states his grievances for himself, and he does not allude to that.

He places it entirely on the alleged attack of our Army upon his army without justification, and also the outrages and injustices perpetrated in and around Manila, to which he had called attention in a former paper.

No one, so far as I know, Mr. President, of the Filipinos has justified that attack upon our troops by President McKinley's proclamation. It has all been done here, not there. I suppose even Aguinaldo might be trusted to put in his own proclamation his own grounds for declaring war.

I have found his order to the Philippine army declaring war, in which he omits any mention whatever of this proclamation by General Otis or these instructions of President McKinley. I will not take the time to read it, but I will ask that it may be inserted as a part of my remarks. It is on page 104 of Document No. 208.

The order referred to is as follows:

GENERAL ORDER TO THE PHILIPPINE ARMY.

Nine o'clock p. m., this date, I received from Calocan station a message communicated to me that the American forces, without prior notification or

any just motive, attacked our camp at San Juan del Monte and our forces garrisoning the blockhouses around the outskirts of Manila, causing losses among our soldiers, who, in view of this unexpected aggression and of the decided attack of the aggressors, were obliged to defend themselves until the firing became general all along the line.

No one can deplore more than I this rupture of hostilities. I have a clear conscience that I have endeavored to avoid it at all costs, using all my efforts to preserve friendship with the army of occupation, even at the cost of not a few humiliations and many sacrificed rights.

But it is my unavoidable duty to maintain the integrity of the national honor and that of the army, so unjustly attacked by those who, posing as our friends and liberators, attempted to dominate us in place of the Spaniards, as is shown by the grievances enumerated in my manifest of January 8 last, such as the continued outrages and violent exactions committed against the people of Manila, the useless conferences, and all my frustrated efforts in favor of peace and concord.

Summoned by this unexpected provocation, urged by the duties imposed upon me by honor and patriotism and for the defense of the nation intrusted to me, calling on God as a witness of my good faith and the uprightness of my intentions—

I order and command:

1. Peace and friendly relations between the Philippine forces and the American forces of occupation are broken, and the latter will be treated as enemies, within the limits prescribed by the laws of war.

2. American soldiers who may be captured by the Philippine forces will be treated as prisoners of war.

3. This proclamation shall be communicated to the accredited consuls of Manila, and to congress, in order that it may accord the suspension of the constitutional guarantees and the resulting declaration of war.

Given at Malolos, February 4, 1899.

EMILIO AGUINALDO,  
General in Chief.

General Otis had notified Aguinaldo days before the attack of his instructions from Washington not under any circumstances to attack him. He had told him that he was instructed to avoid by every possible means a conflict between his army and the army of Aguinaldo. And that is not all. Aguinaldo had been otherwise informed. He had received a notice through the junta from here that the President had instructed General Otis not to attack his troops.

This is from Santos, Hongkong.

HONGKONG, January 26, 1899.

Honorable President of the Filipino Republic, Gen. Don Emilio Aguinaldo.

MY DISTINGUISHED GENERAL AND DEAR FRIEND: After sealing my former letter of this morning, Reuter's telegram arrived containing the good news that General Otis has been ordered not to attack the Filipinos. Our efforts here have not been in vain. They, together with your firm attitude, have forced the Yankees at least to reflect.

I will not read the rest of it. So I say again it was a perfectly wanton attack upon our troops who were rightfully in and around Manila.

Senators talk about the President declaring war. Who sent the army to Manila. First, the President, on the request of Admiral Dewey, in order that they might take possession of Manila and hold it, Congress being in session. There was a critical act, I think. If those troops had not been sent to Manila to take possession of that city the situation might have been a little different. No man in the United States, so far as I know but one, found any fault with the President for sending those troops to Manila. No man in the Senate, however he may upbraid us for what has followed, found any fault with the President for sending those troops to Manila, although one Senator found fault with him here for not sending them with sufficient promptitude. The one Senator who objected to it, or afterwards stated here that he had objected to the President's action, is now dead and gone, a Senator who had spent some time in the Philippines in his early years, and that was General Sewell, of New Jersey.

The fighting went on there. We passed the Army bill. What for? I ask this question because of the attitude of some Senators here to-day. We passed it February 27, 1899, after the ratification of the treaty, when we were at peace with Spain and all the world, with no war cloud upon our horizon except in the Philippines. The Army bill was passed to furnish to the President troops with which to maintain the sovereignty of the United States in the Philippines. There was a halting point. Who called a halt? I have here the vote upon it. I will name the Senators who voted for it. The bill was a great mistake in one respect. My friend from Iowa [Mr. ALLISON] remembers how it was. The term of enlistment was limited to July 1, 1901. It expired absolutely on that day, and the necessity for raising new troops, hurrying them away, and withdrawing the others prolonged the insurrection in the islands. That was our mistake, not the President's. But we could do no better in the then situation.

Mr. Allen voted for it; Mr. ALLISON, Mr. BACON voted for it; Mr. BURROWS, Mr. Carter, Mr. Chandler, Mr. CLARK, Mr. COCKRELL, Mr. CULLOM, Mr. DEBOE, Mr. ELKINS, Mr. FAIRBANKS, Mr. Faulkner, Mr. FORAKER, Mr. FRYE, Mr. GALLINGER, Mr. Gear, Mr. Gorman, Mr. HANNA, Mr. HANSBROUGH, Mr. HARRIS, Mr. HAWLEY, Mr. HEITFELD, Mr. JONES of Nevada, Mr. Lindsay, Mr. LODGE, Mr. McBride, Mr. MCENERY, Mr. McLAURIN, Mr. MALLORY, Mr. Mantle, Mr. MITCHELL, Mr. MONEY, Mr. MORGAN, Mr. Murphy, Mr. NELSON, Mr. Pascoe, Mr. PERKINS, Mr. PETTUS, Mr. PLATT of Connecticut, Mr. PLATT of New York, Mr. PRITCHARD, Mr. PROCTOR, Mr. RAWLINS, Mr. Roach, Mr. Ross,

Mr. Sewell, Mr. Shoup, Mr. SIMON, Mr. Smith, Mr. SPOONER, Mr. STEWART, Mr. TELLER, Mr. WARREN, and Mr. WELLINGTON.

Who voted against it?

MESSRS. BATE, BERRY, Butler, Caffery, Chilton, CLAY, DANIEL, HOAR, MARTIN, Pettigrew, Turley, VEST, and White.

What was that army raised for? What did Senators of the minority vote with us to raise it and send it to the Philippines for? And in the face of that record they tell us that we ought to have known that a war between a civilized nation and an inferior people could not do otherwise than bring about cruelty and atrocity. Was there any politics in this? Are Senators on the other side who voted to raise this army and send it to the Philippines in a position to turn on us with the vituperation and challenge which has characterized this debate? I do not know how my friend from Tennessee [Mr. CARMACK] voted on this in the House.

Mr. CARMACK. Mr. President—

Mr. SPOONER. I did not mean to challenge the Senator, although I will gladly hear him.

Mr. CARMACK. I was just going to say that I probably voted in accordance with the principle laid down by Abraham Lincoln in voting for troops and supplies for the Mexican war, and that I would so vote again.

Mr. SPOONER. That comes pretty near pleading the same act that is pleaded for the Filipinos when they do wrong things. We are not children. Every man who voted for that—and it was only a few days after the treaty was ratified—voted for it upon the basis that we had acquired title and sovereignty from Spain and had paid for it, and that we were to enforce our sovereignty, and constitutionally and properly do it, in the Philippines, and that our sovereignty was being forcibly resisted by men who had no right to resist it.

Now, Mr. President, what policy did President McKinley have as to the Philippines after we had ratified the treaty and acquired the title and the sovereignty of Spain? The President's duty was to enforce the sovereignty of the United States in those islands. He could not make disposition of the islands; he could make no promises to the inhabitants of the islands. He gave us this notice in his message:

Until Congress shall have made known the formal expression of its will I shall use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in those distant islands as in all other places where our flag rightfully floats. I shall put at the disposal of the Army and Navy all the means which the liberality of Congress and the people have provided to cause this unprovoked and wasteful insurrection to cease. If any orders of mine were required to insure the merciful conduct of military and naval operations, they would not be lacking—

One would know that if he had not said it—

but every step of the progress of our troops has been marked by a humanity which has surprised even the misguided insurgents.

And there is overwhelming evidence that the President was not misinformed as to that fact.

The truest kindness to them—

This is what you find in General Order 100, approved by Abraham Lincoln. This is what you find in every enlightened work upon the subject. This is what General Bell thought; this is what General Chaffee thought; this is what General McArthur thought, and it is the truth:

The truest kindness to them will be a swift and effective defeat of their present leader. The hour of victory will be the hour of clemency and reconstruction.

No effort will be spared to build up the waste places desolated by war and by long years of misgovernment. We shall not wait for the end of strife to begin the beneficent work.

Nor did we. Never in the annals of time—say what you will about the "brutal" policy, as you call it, of the "Administration" in the Philippines—has there been carried by an army so much of amelioration, so much of kindness and tenderness and upbuilding in the line of civil government as was carried by this Army of ours under the orders of William McKinley. It was destructive, of course, as all war is destructive, as all armies must be destructive, but along with the destructive power of the Army went the constructive forces of peace and humanity.

We shall continue, as we have begun, to open the schools and the churches, to set the courts in operation, to foster industry and trade and agriculture, and in every way in our power to make these people whom Providence has brought within our jurisdiction feel that it is their liberty and not our power; their welfare, and not our gain—

Not exploitation; not an opportunity for "Republican thieves"—their welfare, and not our gain we are seeking to enhance.

The Senator from Tennessee [Mr. CARMACK], whom I admire, will not doubt the sincerity of that utterance, I know.

And by the act of February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States," the President was authorized to maintain the enlisted forces of the Army at their maximum strength, as fixed by the act, "during the present exigencies of the service, or until such time as Congress may hereafter otherwise direct." This had especial reference to the situation in the Philippines, and the act

was passed *without a division in the Senate* although there was much debate and there were many divisions upon some of its provisions. From the beginning it has been recognized by *both parties* that resistance to our sovereignty in the Philippines must be overcome by the military forces of the Government. The *minority substitute for this bill contemplates that, if it is necessary.*

Senators who will have so much to say about the Army in the next campaign and about the *Republican* policy in sending it there, and about the result, which some of them say they predicted, that a conflict between an army of civilization and an inferior race would be productive of atrocity, should read the record to the people and show their own responsibility for sending that army there.

I could not understand for a while the extreme bitterness of the Senator from Tennessee, but toward the end of his speech when he told us that he had *foretold* that in a conflict between the forces of civilization and an inferior race there could be nothing but cruelty; that that people would never be our friends; that they would hate us through all the centuries, I understood it, because if those things do not all happen the Senator from Tennessee *will not have been a prophet.*

Of course it has been shown many times that Aguinaldo almost from the beginning of the arrival of our troops was hostile to us. He did not want to permit them to land. He prohibited the landing of others without notification to him of what they were brought there for. He would not allow them to purchase supplies; he forbade *supplies* being furnished until he was notified that we must have them, and that if he did not authorize their sale to us we would pass his lines and take them; and he "plumed" himself upon his "magnanimity" that he did not cut off the water supply of the great city of Manila. He gave every indication that he had become what Admiral Dewey said he was—a swelled head and determined to have trouble.

As early as September, 1898, this distinguished president of a "friendly" republic—to which we are "denying independence"—which they are incapable, left alone, of creating upon any standard ever recognized in the world, gave these instructions. Remember this is September, long before we demanded the cession of the Philippine Archipelago.

AGUINALDO'S ORDERS TO GENERALS COMMANDING THE ZONES ABOUT MANILA, DIRECTING THE WITHDRAWAL FROM MANILA, SEPTEMBER, 1898.

General PIO DEL PILAR:

Give instructions to have a detachment posted in the interval from the branch of the river of Paco in a northerly direction to the bridge, and so on up to the Pasig River in the direction of Pandacan, the river serving as a line until suburb of Tanque is reached, which will be under our jurisdiction. Proceed to execute this order on its receipt, posting detachments where they are necessary, and trenches will be made without loss of time, working at this both day and night. Do not rest, for by doing so we may lose the opportunity. Beg of the troops to assist in the formation of intrenchments. Matters have a bad aspect. We especially expect something on the days of Wednesday and Thursday, 10th and 15th of this month. The danger is pending on the mentioned days, also in the time that follows.

Keep strict vigilance at all hours. In case you receive orders to leave that place, do not do so on any account without my orders, happen what may.

Send the forces in Perez's house (situated on the other side of the bridge) to the town of Paco and post them in their places in Tanke, adding three more companies; and post separate detachments up to Pandacan, but close enough together to see each other.

Have the furniture that is in Perez's house taken out and sent to Santa Ana before Captain Salvador and his forces leave said house. Order the band to accompany the troops on their march to Paco, the same as will be done in Ermita and Malate. Have all the musicians dressed in uniform; those who have no uniform must borrow from the men in the ranks. Keep the places where detachments are to be posted a secret in the meantime. Concentrate all your forces in Santa Ana before the day arrives.

Warn your soldiers against firing at random, as the Spaniards did; if possible, have them calculate the number of their antagonists and how much ammunition there is in comparison with the number of the attacking force; in fact, there are occasions when each shot fired kills as many as four men.

I hope you will see to the execution of these instructions, and that you will maintain the honor of Filipinos by your courage, and in no way permit that your rights be trampled under foot.

Gen. P. GARCIA:

On Wednesday, the 14th of this month, you will post detachments in the points indicated by crossed lines on the inclosed plan. On receipt of this, and as soon as you learn its contents, proceed secretly to determine the most suitable places to post detachments, and immediately post our troops and have intrenchments made, employing day and night in this work. Beg this of our soldiers.

NORIEL or CAILLES:

At 8 o'clock in the morning of Wednesday, the 14th, retire your command out of the town of Malate as indicated on the inclosed plan; from the bridge in Singalong and in a straight line from there to the branch of the river in Paco will be the line of our jurisdiction, even though we may not be of one mind in the matter. On receipt of this proceed to determine the most suitable places to post our troops, even if they are not supplied with batteries. On posting the detachments, give instructions to have intrenchments made immediately without resting, especially on the days of the 15th and 16th.

Matters present a serious aspect; do not lose vigilance, and be on the alert at all times. Beg our soldiers to assist in the work in order not to lose time. Concentrate all the forces and have a call to arms in Cavite, so that all the troops may be in Pasay on Wednesday night.

In case the Americans attempt to order you out, do not leave your posts, happen what may, but exercise prudence and be prepared, *leaving them to give the provocation.* Answer them that you have no instructions given you with regard to what they ask.

NOTE.—In handwriting of E. Aguinaldo.

All this was directed against the Americans by the "friendly president" of a "friendly republic."

The Filipinos, with studied insult month after month, as all the testimony of our officers shows—truthful and accomplished officers—by every means in their power attempted to *evoke* a hostile demonstration from the United States troops, and General Otis says that Aguinaldo was "happy" when Miller went to Iloilo because the "first gun would be fired by the United States." They waited until two days before the *vote upon the treaty*, and they found both by cable from here and by notification from General Otis that the United States would *not fire a gun*, and then they *took the initiative.*

Another thing I have never been able to understand, and I have never heard it explained or attempted to be explained on the other side, either. It has been referred to, but I have never heard any explanation of it. It is that Agoncillo and his secretary, who had been for weeks stopping at the Arlington in this city, representing the Philippine republic (so called), at midnight on the 4th of February, without notifying the hotel people, without paying their bills, secretly left for Canada. And when the next morning, on February 5, we learned for the first time of the outbreak in Manila, their attack upon our troops there, they were approaching the Canadian line.

They need not have run away. They knew the treaty was to be voted upon the next day. They knew the Vest amendment, putting them on the same basis with Cuba, was to be voted upon that day or the day afterwards. They knew that the Bacon resolution was pending. Why in this way did they withdraw from Washington? They knew—there is no other explanation of it—that word would come from Manila of an attack upon our troops, and they thought foolishly that it would be healthier in Canada than in Washington. And all this revived effort to put the Army of the United States over there in the wrong, to satisfy the people that we brought about that outbreak, is in the face of evidence which is overwhelming and incontrovertible.

Among the charges, Mr. President, that have been made in this debate is one made by the Senator from Utah [Mr. RAWLINS] more sinister and ugly than any I have heard before. If it were true every man in this Chamber would hang his head:

The message to the people of the United States announcing the beginning of hostilities, the Senate of the United States then having under consideration the question of the ratification of the Paris treaty, is said to have been put upon the wires two hours and a half before even the American sentries killed the Filipino patrol coming from blockhouse No. 7.

In other words, it is said to have been put upon the wires for transmission at Manila two hours or more before the outbreak occurred. And then the Senator from Utah says:

In order to get time for the message to arrive here it was necessary to have the hostilities begin at half past 8, whereas according to the testimony of General MacArthur they did not actually begin until half past 10 on Saturday night, the 14th of February.

General Otis reported and he has testified before the committee that they began about 8.45. General MacArthur reported officially that they began at 8.30. General Hughes has testified before the committee that they began at 8.30. General MacArthur, when his attention was called to it again, said he stood by his report, and that he had testified hastily and inadvertently that they began about 10.30. I recollect his testimony. Here is the argument of the Senator from Utah:

There was the overwhelming political necessity. There was the war that Congress did not declare. There was the war for which the American people are not responsible. There was the war begun not by any recognized authority emanating from the people of the United States. There was the war either begun by General Otis or begun by the President of the United States without the sanction of the sole repository of that power under the Constitution.

I took occasion to look into that matter a little, because the imputation there is that there was a "political necessity" for its influence upon the vote on the treaty that news of the outbreak should get here at a certain time, and that *in contemplation of the outbreak, which we intended should occur*, the message had been put upon the wire two hours or more before the outbreak did occur. The fact is that the first official information received in Washington about the outbreak was a cablegram from Admiral Dewey, received here February 5, 1899, at 8.05 a. m., as follows:

MANILA, Received February 5, 1899—8.05 a. m.

SECRETARY OF THE NAVY, Washington:

Insurgents have inaugurated general engagement yesterday night which is continued to-day. The American Army and Navy is generally successful. Insurgents have been driven back and our line advanced. No casualties to Navy. In view of this and possible future expenditure, request ammunition requisition doubled.

DEWEY.

General Chaffee was asked to ascertain when that cablegram was filed in Manila for transmission, and replied as follows:

MANILA, May 20, 1902.

ADJUTANT-GENERAL, Washington:

With reference to your telegram of 19th, records cable company show Dewey's message, 41 words, filed 6.02 evening February 5; message, 20 words,

filed 11 morning, February 6. Original messages sent London. Otis message dated February 5, filed 8.32 morning, February 6.

CHAFFEE.

Thus the fact is that this message of Admiral Dewey was filed for transmission at two minutes after 6 on the evening of the 5th of February, *twenty-one hours after the outbreak had occurred*, and refers to an outbreak having occurred *yesterday night*. At the time—there being thirteen hours difference between Manila and here—that telegram was filed for transmission—6.02 in the evening of February 5—it was 5 o'clock or thereabouts in the morning, February 5, here, and this message was received from Dewey at five minutes after 8, which gave it three hours and five minutes for transmission and delivery.

I have here a letter from General Otis and a letter from Secretary Root upon the subject, which I do not care to read, but ask leave to insert.

ROCHESTER, N. Y., May 18, 1902.

ADJUTANT-GENERAL UNITED STATES ARMY.

Washington.

SIR: In answer to your communication of the 16th instant I have the honor to report that I am quite certain of the correctness of my statement that the insurgents commenced the attack on our outer lines around Manila about 8.45 p. m. on the evening of February 4, 1898; that the time was fixed by referring to my watch that evening and consulting with the officers of my staff the following day.

No report or dispatch of any kind was sent from the Philippines to the United States announcing that fighting had begun or was in progress until after 4 o'clock on the afternoon of February 5, to my knowledge. Certainly none was sent by me, nor by any officer of the Army. Some twenty hours after hostilities had commenced I cabled facts and results, and not until then. Shortly after I sent that cablegram I received a dispatch from Washington, purporting to be signed by the Adjutant-General of the Army, which read, according to my present recollection, as follows: "They say you are fighting. Why do not you report?" Evidently Washington obtained information from some source; where, I do not know. It might be well to ascertain what inspired the Adjutant-General's dispatch.

Very respectfully, your obedient servant,

E. S. OTIS,  
Major-General, retired.

WAR DEPARTMENT,  
Washington, May 20, 1902.

MY DEAR SENATOR: I find that the first information of the beginning of hostilities between the insurgents and the American troops at Manila on the 4th of February, 1898, received by the Government at Washington was contained in a dispatch from Admiral Dewey to the Secretary of the Navy, received at the Navy Department February 5, 1898, at five minutes after 8 o'clock in the morning, Washington time. It was in cipher, and you already have the translation. It was filed for transmission at the office of the cable company in Manila two minutes after 6 o'clock on the evening of February 5, Manila time, twenty-one hours after the hostilities began, as appears from a dispatch received from General Chaffee to-day, a copy of which I inclose. The first information received from General Otis, who commanded the American Army at that time, was contained in a dispatch (a copy of which you have) received at the War Department February 5, at 10.52 p. m., Washington time, and this appears, by General Chaffee's message, to have been filed for transmission at the cable office in Manila at 8.32 in the morning of February 6, Manila time, nearly thirty-six hours after the fighting began.

I wish to make two observations regarding Senator RAWLINS's charge in his speech of April 23:

(1) Admiral Dewey's dispatch said: "Insurgents have inaugurated general engagement yesterday night, which is continued to-day."

General Otis's dispatch said: "Insurgents in large force opened attack on our outer lines at 8.45 last evening. Renewed attack several times during night. At 4 o'clock this morning entire line engaged."

If Senator RAWLINS's charge were true, then Admiral Dewey and General Otis, or at all events the former, would be guilty of a gross fraud and falsehood in stating that an event occurred the day before, when in fact it had not yet occurred.

(2) Senator RAWLINS evidently figured the difference in time between Manila and Washington the wrong way, or more probably accepted the statements of some one else who had figured it the wrong way. The sun rises in Manila thirteen hours earlier than it does in Washington, and Manila time is therefore thirteen hours later than Washington time, so that at five minutes after 8 in the morning of February 5 in Washington, when Admiral Dewey's dispatch was received, it was five minutes after 9 in the evening of February 5 at Manila.

I send you also a copy of a letter from General Otis, which states his knowledge of the facts. General MacArthur's testimony fixing the beginning of the fighting at half past 10 on the night of the 4th of February, whereas Otis's dispatch fixes it at 8.45, is of course immaterial in view of the long time which elapsed before the dispatches reporting the engagement were sent. The difference is probably due to the fact that MacArthur had in mind the time when he got into the fight with the troops under his command, while Otis was reporting the first fighting done by any troops.

Faithfully, yours,

ELIHU ROOT.

Hon. JOHN C. SPOONER,  
United States Senate.

Inclosures.

I could not allow this matter to pass without some notice. It is only due to the Senator from Utah [Mr. RAWLINS] that I should say he did not assert it. He said "it is said," and I took the trouble to ascertain the facts, not having any doubt whatever about it, but in order that they might be put of record, once for all.

Mr. ALLISON. With the consent of the Senator from Wisconsin, I will be glad to move that the Senate proceed to the consideration of executive business. I understand that the Senator from Wisconsin prefers to complete his remarks on Saturday.

Mr. ALDRICH. Unless some one else desires to proceed.

Mr. DUBOIS. The entire Senate was taken into the confidence of the majority and the minority of the Philippine Committee, and it was stated that three Senators on this side desired to speak and one on the other side, and the agreement was made

with the understanding that these Senators should be accommodated. I would not, of course, ask the Senator from Wisconsin to continue his remarks, but I think we ought to have a night session or provide in some way to carry out the agreement entered into by the entire Senate, that those Senators should be allowed to make their speeches.

Mr. ALLISON. One Senator on the other side spoke to-day by the courtesy of the Senator from Wisconsin, and occupied nearly an hour and a half.

Mr. DUBOIS. I understand; but I—

Mr. ALLISON. And, as the Senator is aware, after the agreement was entered into another Senator on the other side spoke.

Mr. BACON. Not on this side.

Mr. DUBOIS. Not on this side. This side stated with authority as to those who were to speak and invited anyone who disagreed with that statement to tell us.

Mr. ALLISON. I did not hear that.

Mr. DUBOIS. It is in the RECORD. I think in fairness the Senators who were named before the agreement was made should be allowed to address the Senate on the general bill.

Mr. ALLISON. I agree to that.

Mr. BEVERIDGE. There is no objection.

Mr. DUBOIS. The Senator from Georgia [Mr. CLAY] has spoken.

Mr. ALDRICH. There is no objection to anybody going on who desires to.

Mr. BAILEY. I suggest that we might provide ample time even under the arrangement as it stands by devoting Monday to general debate instead of to fifteen-minute debate. I take it the debate upon the amendments will not serve any very useful purpose. On that point, however, I defer entirely to the Senator from Idaho.

Mr. DUBOIS. The members on this side not only wanted two days' debate on the amendments, but three; and then on the bill fifteen-minute debate.

Mr. BAILEY. I merely ventured to make the suggestion.

Mr. ALLISON. Allow me to make a single suggestion.

Mr. DUBOIS. Will the Senator from Iowa excuse me for a moment? All I want to do is to carry out the agreement as it was understood by the entire Senate.

Mr. ALLISON. Certainly no one wishes to violate it. The Senator from Wisconsin intimates, and I think very properly, that he would be glad if he could be relieved for the evening on account of his being tired.

Mr. COCKRELL. Why not take a recess?

Mr. ALLISON. I have never known a Senator to be forced to continue the debate under such circumstances.

Mr. SPOONER. If the arrangement proposed is not agreeable to Senators I will go on now.

Mr. DUBOIS. Please do not do that. The Senator from Wisconsin must not misunderstand me.

Mr. SPOONER. I do not, but I want to say that I would not be willing to permit any arrangement for my accommodation which would at all disarrange the order which has been agreed upon, and if the proposed arrangement will shorten any Senator's speech or deter anyone from speaking, then I prefer to go on now. I have been speaking under embarrassment, but I will go on if that will make it more agreeable.

Mr. ALLISON. I hope that will not be insisted upon.

Mr. DUBOIS. Not at all.

Mr. ALLISON. It was arranged that the session this morning should begin at 11 o'clock, and it was understood in the discussion yesterday that the Senator from Wisconsin would have this day. He took the floor about 3 o'clock this afternoon, although we began the session at 11 o'clock this morning. Now, after a weary day, at 5 o'clock he suggests that he does not feel like going on with his speech this evening. If there is any other Senator who desires to go on now, I am perfectly willing to sit here and listen to him.

Mr. ALDRICH. Now or this evening?

Mr. ALLISON. Either one.

Mr. BEVERIDGE. Is not that a good solution of the difficulty?

Mr. ALLISON. But I do not think the Senator from Wisconsin ought to be forced to finish his speech to-night.

Mr. DUBOIS. Oh, no. The Senator from Iowa totally misunderstands me. A motion was made to go into executive session—

Mr. ALLISON. I withdrew that.

Mr. DUBOIS. Or a Senator rose to make that motion.

Mr. ALLISON. I did that because I did not know that any other Senator desired to go on to-night.

Mr. CARMACK. I merely wish to say that I do not want the Senator from Wisconsin, feeling as he does, to be forced to go on this afternoon under any circumstances; and whatever arrangement is made must be made to accord with his feelings and with

the view that the Senator will be allowed to finish his speech at his convenience. I am very much opposed to desiring the Senator to go on this evening.

Mr. ALLISON. Are any of the Senators on the other side ready to go on?

Mr. CARMACK. So far as I know, they are not. I think it is due to the Senator from Wisconsin in making his speech that his convenience should be consulted.

Mr. SPOONER. If it is a mere matter of my convenience, I would not permit the suggestion to be made at all.

Mr. CARMACK. That is a matter that is always considered, and it has been considered with reference to Senators on this side of the Chamber.

Mr. DUBOIS. Yes.

Mr. CARMACK. The Senators upon the other side of the Chamber have been very courteous about acceding to the convenience of Senators on this side. I certainly do not wish to require the Senator from Wisconsin to go on now under any circumstances, having spoken as long as he has.

Mr. BEVERIDGE. Is there any Senator on the other side ready to go on?

Mr. PATTERSON. Will the Senator from Indiana yield to me for a suggestion?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. I want to suggest that an adjournment be taken until Saturday morning, so as to give an opportunity to the Senator from Wisconsin to then conclude his speech; and, if it be necessary on Saturday night to conclude general debate, let us then have a night session.

Several SENATORS. That is right.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until Saturday, May 31, 1902, at 11 o'clock a. m.

#### NOMINATIONS.

##### *Executive nominations received by the Senate May 29, 1902.*

##### COLLECTOR OF CUSTOMS.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland. (Reappointment.)

##### SURVEYOR OF CUSTOMS.

Robert A. Ravenscroft, of Maryland, to be surveyor of customs in the district of Baltimore, in the State of Maryland, to succeed John B. Hanna, whose term of office has expired by limitation.

##### NAVAL OFFICER.

William T. Malster, of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland, to succeed John W. Cable, resigned.

##### UNITED STATES ATTORNEY.

John C. Rose, of Maryland, to be United States attorney for the district of Maryland. A reappointment, his term having expired May 11, 1902.

##### UNITED STATES MARSHAL.

John F. Langhammer, of Maryland, to be United States marshal for the district of Maryland, vice William F. Airey, whose term will expire July 16, 1902.

##### UNITED STATES CIRCUIT JUDGE.

Alfred C. Coxe, of New York, to be United States circuit judge for the second judicial circuit. An original appointment as provided in the act approved April 17, 1902, entitled "An act providing for an additional circuit judge in the second judicial circuit." Alfred C. Coxe is now United States district judge for the northern district of New York.

#### CONFIRMATIONS.

##### *Executive nominations confirmed by the Senate May 29, 1902.*

##### RECEIVER OF PUBLIC MONEYS.

George A. McKenzie, of California, to be receiver of public moneys at Stockton, Cal., June 17, 1902.

##### POSTMASTER.

Charles A. Dunlap, to be postmaster at Manheim, in the county of Lancaster and State of Pennsylvania.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, May 29, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

##### REPRINT OF BILL.

Mr. GIBSON. Mr. Speaker, by direction of the Committee on Invalid Pensions, I ask for a reprint of the bill S. 4858 and the accompanying report.

The SPEAKER. The gentleman from Tennessee, by direction of the Committee on Invalid Pensions, asks unanimous consent for a reprint of a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 4858) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same.

The SPEAKER. Without objection, this request will be granted.

There was no objection.

##### NATIONAL BANKS.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, of the bill H. R. 7659.

The Clerk read as follows:

A bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

*Be it enacted, etc.,* That section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," approved March 3, 1887, be, and the same is hereby, amended to read as follows:

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of 25,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller, with the approval of the Secretary of the Treasury, shall have authority to grant such request, and every bank located in such city so designated shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent of its deposits, as provided in sections 5191 and 5195 of the Revised Statutes: *Provided,* That no bank with a capital of less than \$100,000 shall be thus designated."

The amendment recommended by the committee was read, as follows:

On page 1, line 11, strike out "twenty-five" and insert "fifteen."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not think a bill of that magnitude ought to be considered by unanimous consent, and therefore I object.

Mr. SMITH of Iowa. Will the gentleman withhold his objection for a moment?

Mr. RICHARDSON of Tennessee. Yes.

Mr. SMITH of Iowa. Mr. Speaker, I wish to state that this bill is unanimously reported, and unanimously passed the House at the last session, but too late to pass the Senate. The present law requires that the reserves of national banks shall be held in cities of 50,000 population and over. The bill which provided for small national banks resulted in the creation of national banks where State banks had existed and the removal of the reserve fund from the smaller cities to the larger cities, so that the bill creating the small banks operated to transfer the reserve funds from cities of 15,000 to cities of 50,000 and over, and thus concentrates the reserve money in the great cities of the country to the detriment of the smaller cities. This bill proposes to restore substantially the condition that existed before the small national banks were authorized. It had the unanimous approval of the committee in the last Congress, it passed the House unanimously, and has now the unanimous approval of all the members of this committee.

Mr. LIVINGSTON. Do I understand these small banks were permitted to hold the reserve fund at their pleasure? Does not the gentleman know that contracts the currency to that amount?

Mr. SMITH of Iowa. No; you misunderstand. The old law provides that the reserves of the national banks should only be in cities of over 50,000 population.

Mr. LIVINGSTON. I understand.

Mr. SMITH of Iowa. That concentrated all the reserve of all the national banks there.

Now, when you passed the law providing for the creation of small national banks in small towns and State banks reincorporated as national banks, they were compelled to transfer their reserves of from fifteen to fifty thousand dollars to the banks in the great cities, and thus it operated to drag the money from the country into the great cities. This bill provides for restoring the old conditions and for a wider distribution of the national banking reserve fund.

Mr. UNDERWOOD. This merely allows the money that belongs out in the country to remain there, and at the same time strengthens the bank's reserve fund.

Mr. SMITH of Iowa. Yes. In view of this explanation, I trust the gentleman from Tennessee will not deem it necessary to object.

Mr. LIVINGSTON. I think, Mr. Speaker, this bill is all right.

Mr. RICHARDSON of Tennessee. I will object to the consideration at this time. I do not think a bill of that kind ought to be passed by unanimous consent without an opportunity to discuss it or have it discussed fully before the House. I object.

Subsequently,

Mr. RICHARDSON of Tennessee. Mr. Speaker, I interposed an objection a moment ago to the bill offered by the gentleman from Iowa. I have read the bill since then and I see no objection to it, and I withdraw my objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Will the gentleman from Iowa withhold for a moment and yield to me?

Mr. SMITH of Iowa. I will.

Mr. BARTLETT. I merely want to state, Mr. Speaker, in reference to this bill, that it was considered by the Committee on Banking and Currency and the minority members of the committee were present and after a full consideration we reported it, deeming it proper legislation.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the last vote was laid on the table.

JOHN SHAMBURGER, LOUIS SMITH, AND HENRY METZGER.

Mr. RYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the record of dishonorable discharges now standing on said rolls and records against John Shamburger, Louis Smith, and Henry Metzger, late privates of Company M, Twelfth New York Cavalry, and grant each of them a certificate of honorable discharge, to date November 7, 1895: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The following amendment was recommended by the committee:

In line 3, after the word "authorize," strike out the words "and directed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RYAN, a motion to reconsider the last vote was laid on the table.

CONFEDERATE MOUND, OAK WOODS CEMETERY, CHICAGO, ILL.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9360) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Oak Woods Cemetery Association for the improvement and ornamentation of the plot of ground owned by the United States and known as "Confederate Mound," located in Oak Woods Cemetery, Chicago, Ill., in which are buried 12 Union and 4,039 Confederate soldiers, who died at Camp Douglas during the war of the rebellion, so as to bring the condition of the said plot of ground up to the standard of the improvements in the cemetery surrounding it: *Provided,* That the expense of such improvement shall not exceed the sum of \$3,850.

Sec. 2. That the Secretary of War be, and he is hereby, authorized from time to time to enter into contract with the Oak Woods Cemetery Association for the proper care, protection, and maintenance of the said plot of ground known as "Confederate Mound" and described in section 1 of this act: *Provided, however,* That the annual expense thereof shall not exceed the sum of \$250.

Sec. 3. That to defray the expenses of the improvement provided for in section 1 of this act the sum of \$3,850, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. LIVINGSTON. Reserving the right to object, Mr. Speaker, I would like to have some explanation. Has it been to the Appropriations Committee?

Mr. MANN. Mr. Speaker, the bill is unanimously reported by the Committee on Military Affairs. The Government of the United States in 1866 purchased the land in question, which is situated in the center or near the middle of Oak Woods Cemetery, Chicago, and have buried there ex-Confederates and ex-Union soldiers in this plot of ground. The ground is uncared for by anybody. A few years ago the Ex-Confederate Association erected a monument upon the ground at their own expense, but the ground needs to be properly taken care of. The title is in the Government.

Mr. LOUD. I would like to ask the gentleman why the appropriation of \$3,000 is made?

Mr. HULL. I want to say, Mr. Speaker, that this plot of ground, unless the Government cares for it, is a blot on the cemetery. The Government ought to take care of it.

Mr. LOUD. Why does the bill appropriate three thousand and odd dollars?

Mr. MANN. It authorizes the Secretary of War to enter into contract for the improvement of the ground, not to exceed an expense of \$3,850, and makes an appropriation of that sum, or so much as may be necessary therefor.

Mr. LOUD. What is the \$250 item for?

Mr. MANN. The \$250 item provides that the Secretary of War may enter into a contract for the maintenance of the plot of ground at a cost not exceeding \$250; but there is no appropriation carried in the bill for that.

Mr. LOUD. How are you going to get it?

Mr. MANN. If it is done, it will have to be by an annual appropriation hereafter.

Mr. LOUD. Mr. Speaker, I want to say that I do not feel disposed, because I have the power, to object to this bill, but I want to say to the House that it simply opens the door to care for the graves of the Confederate dead throughout the United States. The bill recites that there are four thousand and odd Confederates buried there, and they have thrown in 12 Union soldiers in order to attempt to cover up the 4,000 Confederate dead.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS WACCAMAW RIVER, SOUTH CAROLINA.

Mr. SCARBOROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 14380) to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

The bill was read.

The amendments reported by the Committee on Interstate and Foreign Commerce were read, as follows:

After the word "That," in line 3, page 1, insert the word "the."

In lines 12 and 13, page 1, strike out all after the word "expense" and insert the following: "and said draw shall be promptly opened upon reasonable signal for the passage of all water craft."

Strike out all of sections 3 and 4 and insert the following:

"Sec. 3. That the company building the said bridge shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location thereof, and until the said plan and location are approved by the Secretary of War the said bridge shall not be commenced or built, and no changes shall be made in said bridge during the progress of construction, or after completion, unless approved by the Secretary of War. And the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interests of navigation: *Provided,* That the said company shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board may prescribe."

"Sec. 4. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transmission over the railroads leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for telegraph and telephone purposes."

"Sec. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges in the passage of railroad trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of the said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SCARBOROUGH, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUBSIDIARY SILVER COINAGE.

Mr. HILL. I call for the regular order, and move that the House now resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the bill (H. R. 12704) to increase the subsidiary silver coinage.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. TAWNEY in the chair) and resumed the consideration of House bill 12704.

Mr. McCALL. Mr. Chairman, I have here a letter from a former colleague of mine, a distinguished gentleman who served

as chairman of the Committee on Banking and Currency, with regard to the currency bill known as the "Fowler bill."

A MEMBER. Whom is the letter from?

Mr. McCALL. It is from Hon. Joseph H. Walker, who is known to most of the members of the House. I ask unanimous consent that this letter be printed in the RECORD. It will not occupy more, perhaps, than two pages.

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCALL] asks unanimous consent that he may have printed in the RECORD a letter received by him from a former colleague and member of the House upon the currency bill. Is there objection?

Mr. MADDOX. Who is the gentleman?

The CHAIRMAN. Hon. Joseph H. Walker, of Massachusetts. [A pause.] The Chair hears no objection, and leave is accordingly granted.

The letter is as follows:

WORCESTER, MASS., May 21, 1902.

MY DEAR MR. McCALL: I see by the papers that the Republicans were called in caucus to consider the Fowler banking bill. I feel it my duty to give you the conclusions that I have come to on the bill, resulting from my thirty years' study of the banking and currency question. It seems to me that, while Mr. FOWLER is absolutely sound in his views on the kind of currency that banks ought to issue and, in fact, generally on the banking question, when it comes to proposing a remedy he utterly fails to carry into practice his theories as to currency and banking. His report on his bill is a remarkably able one and generally correct in the principles enunciated, but the bill in no sense justifies the claims in the report and is very objectionable in many of its provisions.

First. The claim in the report that the responsibility of the Government for protecting the necessary gold reserve is transferred to the banks is not justified by the text of the bill.

Second. The bill still leaves the parity to be maintained by the Treasury by taxing the people for doing so in the sale of bonds, contrary to the statement of the report.

Third. Contrary to the statement of the report, it does not "provide a currency always responsive to and adequate to the demands of trade;" nor does it "equalize and lower the rate of interest," for the bill still leaves the bond currency in existence, which will be used by all banks in preference to currency encumbered by so many disabilities as are provided in the bill.

Fourth. It in no way removes doubt with regard to the maintenance of our standard of value.

Fifth. Further, the provisions of the bill for international banking are contrary to the whole theory and practice of our people in banking and make the bill impracticable as a legislative measure, as well as inconsistent with our "free banking" system.

Sixth. The raising the cost of the supervision of banks from the present salary of an efficient, single comptroller of the currency to a board of control consisting of three members at an expense of \$22,500 is not justified by any change of method made or new obligations imposed in that department of the Treasury.

Seventh. The bill, instead of being accepted, will be resisted by all the banks whom the bill claims to benefit in compelling country banks to submit to a sufficient amount of taxation to raise a fund of \$130,000,000 to redeem and cancel that amount of United States notes, while practically excusing the city banks from such taxation.

Eighth. Finally, the bill in no way improves, but makes more onerous, the indirect taxation in excessive discount rates and cost upon the country people, who are least able to bear it and who are now most heavily and unjustly taxed in the present system.

#### THREE COMPTROLLERS.

More in detail I have to observe that to appoint three Comptrollers of the Currency to discharge the duties now discharged by one would introduce confusion and uncertainty and additional expense into the management of that department, besides the great increase of expense in salaries. It is contrary to the whole trend of the present system of executive control in that department of the Government, dividing and making impossible the fixing of responsibility.

#### \$25,000,000 OF GOLD PAID OUT.

To provide that \$25,000,000 of the gold now in the Treasury should be paid out in comparatively small sums covering a period of many years in redemption of United States notes, and before a change in the present system is consummated, is contrary to good business management. If the people are to be taxed directly or indirectly in sufficient sums to redeem and cancel United States notes, the same should be collected before any of the notes are canceled and the notes canceled at one time, instead of in the manner proposed in the bill.

#### COUNTRY BANKS TAXED \$130,000,000 TO REDEEM GREENBACKS.

In view of the fact that banks in large cities can not use currency notes to any appreciable extent, this bill may be fairly denominated a bill to compel country banks to be at the risk and expense of maintaining the parity of all legal-tender and bank money and to submit to a sufficient taxation to redeem and cancel \$130,000,000 of United States legal-tender notes for which there is no demand from the people.

#### COUNTRY BANKS TAXED—CITY BANKS NOT TAXED.

Furthermore, the provision for restricting banks to the issue of currency to an amount not exceeding 10 per cent of its capital in one year at a tax of one-eighth of 1 per cent, an additional 10 per cent in two years at five-eighths per cent, 10 per cent each succeeding year for three years at five-eighths per cent, 20 per cent after the sixth year at 1 1/2 per cent, and 20 per cent after seven years, taxed at 2 1/2 per cent, is a freak proposition, as bank circulating notes are identical to the receiver of them with a credit in his favor written on the books of the bank and as currency is practically a certificate of deposit used by patrons of banks in the country, instead of the credit written on the books of the bank in favor of the bank customers in cities. This tax has no more justification than the same tax on deposits would have. It becomes an onerous and oppressive tax on farmers in country districts in discrimination against them as compared with the borrowers of funds living in cities.

#### THE PEOPLE'S MONEY LOANED TO BANKS AT 1 PER CENT.

Neither can the provision of this bill for the National Treasury to make loans to banks of the taxes collected from the people at the rate of 1 per cent interest per annum, while the people are expected to pay from 4 to 12 per cent on this same money when borrowed from the banks, justify itself to the people.

#### 5 PER CENT SAFETY FUND FROM COUNTRY BANKS—NONE FROM CITY BANKS.

Neither has the provision requiring banks to deposit a safety fund equal to 5 per cent of the currency they take out any more justification than to require the same deposit of 5 per cent from a bank on all deposits of its customers written on its books. In fact, the bill from beginning to end makes sharp and oppressive discriminations against borrowers from banks, whose business requires them to use bank circulating notes, in favor of those who use deposits and their own checks. This bill imposes on currency in country districts enormous tax rates that would increase the rates of discount on loans made to persons using currency of from 1 to 3 per cent above that of those who do their business with checks instead of bank circulating notes.

#### TERRITORIAL CLEARING HOUSE AND REDEMPTION DISTRICTS BAD.

Again, to divide the country into territorial clearing-house districts is one of the most clumsy, unreasonable, and uneconomic provisions that could be introduced into our banking system.

The dividing of the country territorially into post-office districts, and forbidding letters to be sent across the line of one district into another until they had first been sent to some city in the given territory, would be just as reasonable, and no more so, than this provision with reference to the current redemption of bank circulating notes. The fixing of the points at which notes shall be collected to be redeemed should be as free to be agreed upon and easy of change as the various places designated for collecting and distributing mail matter in the present postage system of the country. Nothing in experience or reason justifies such a provision.

#### BANKS CAN NOT PAY OUT CERTAIN MONEY.

The provision forbidding banks to pay out over their own counter notes issued by banks situated in other districts is liable to intensify, or even create, a panic in times of great stringency.

#### CAN NOT ISSUE PAPER MONEY UNDER \$10.

Neither is there any justification for forbidding banks to issue circulating notes of a denomination less than \$10. The people who use bank-note currency can not do so freely unless a very large proportion of it is in bills of a less denomination than \$10. The reason given for this provision, that it is to make it impossible for silver certificates to be collected and presented to the Treasury, directly or indirectly, for gold redemption, is not justified by existing facts.

#### SILVER CERTIFICATES USED TO GET GOLD.

The universal custom of all traders is to deposit in banks all moneys they collect each day. All the silver certificates outstanding will average to be deposited every few days in the banks, by whom they can be readily collected and presented to the Treasury to demand gold. Under this bill the statement that the banks can not do so because they must have these silver certificates of denominations of less than \$10 to use is not conclusive. Until human nature is very much changed from what it is to-day, if there is a desire upon the part of banks to secure gold, they will take any money that comes within their reach upon which they can demand gold, with little regard to the interest or convenience of anyone else, and of \$900,000,000 of silver in circulation, it seems an exceedingly unreasonable belief that one or two hundred millions of it can not be almost immediately collected from the banks in which traders make their deposits every morning to get gold from the United States Treasury.

#### A BILL OF WHIMS, THEORIES, AND SPECULATIONS.

In fact, the bill bears evidence, from first to last, of being the embodiment of whims, theories, speculations, and unjustifiable propositions invented by its framers, rather than the result of a careful study of Treasury and banking principles and universal practice.

#### THE BILL WOULD FURTHER EMBARRASS THE TREASURY.

If enacted into law, it would be a very positive and serious injury and no possible help to the present Treasury and banking system of the country. It continues and still further violates the whole theory of the relation of the United States Treasury to the banks held for two-thirds of a century, which is that it should be entirely independent in every respect from the banks. For thirty years legislation has more and more involved the Treasury with banks, making it practically responsible for them and subject to the loss of millions upon millions of dollars collected in taxes from the hard earnings of the people.

#### INVOLVES THE TREASURY WITH BANKS.

The Treasury has been repeatedly compelled to sell bonds when it did not need the proceeds of the sale in order to discharge the duties that normally belong to banks and which are performed by banks in every other country, and this bill will still further aggravate that situation.

#### MAKES MAINTAINING OF PARITY MORE DIFFICULT.

Instead of in any way relieving the United States Treasury from the responsibility, as the bill is declared to do in the statement of the majority, it still further involves the Treasury with the banks and makes it more difficult for the Treasury to perform the abnormal duties now forced upon it of maintaining the parity of all lawful money without in any way being legally entitled to the assistance of the banks.

#### IN THE INTEREST OF A FEW BANKS.

In fact, I can see no way in which the enactment of this bill is to benefit the United States Treasury or the people or anybody, but is in the interest of a few banks who each have millions of assets.

Finally, it would render the present conditions and inequalities more onerous than they now are—in fact, would make the bad conditions of the present worse instead of mending them.

Please get the Hearings and Arguments before the Committee on Banking and Currency, had in March, this year, where you will find the whole question discussed in a pamphlet of 111 pages, covering the whole ground of the Fowler bill.

Very truly, yours,

Hon. SAMUEL W. McCALL, Washington, D. C.

J. H. WALKER.

Mr. HILL. Mr. Chairman, I move that all debate upon the pending section and all amendments thereto be closed in ten minutes.

Mr. LANHAM. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LANHAM. I wish to know whether at this time it would be in order to offer a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GROW] and the amendment to that amendment proposed by the gentleman from Nevada [Mr. NEWLANDS].

The CHAIRMAN. After the pending motion of the gentleman

from Connecticut [Mr. HILL] is disposed of it will be in order, as the Chair understands, to offer a substitute.

Mr. COCHRAN. I did not understand the motion of the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Connecticut moves that all debate on the pending section and all amendments thereto be closed in ten minutes.

Mr. HILL. This will not preclude the offering of other amendments. They may come in, but can not be debated.

Mr. COCHRAN. I do not understand that a motion for the previous question is in order. That is what this motion amounts to, though it is not stated in that way. I submit that the only motion now in order is with reference to the pending amendments. It is probably in order to move to close debate on the pending amendments—at least I make no point of order against so much of the motion; but I do make the point of order that the motion as made is not in order.

The CHAIRMAN. It may be unfortunate that there is only one section of the bill [laughter]; but the motion to close debate on the pending section and all amendments thereto is, in the judgment of the Chair, in order.

Mr. COCHRAN. But can the gentleman by such a motion preclude debate on other amendments to the bill?

The CHAIRMAN. For the information of the gentleman from Missouri [Mr. COCHRAN] the Chair will have the Clerk read the rule.

The Clerk read as follows:

The committee may, by the vote of a majority of the members present, at any time after the five-minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

Mr. COCHRAN. I can not see how any construction of that rule would preclude debate on subsequent amendments.

The CHAIRMAN. It is so stated in express terms.

Mr. NEWLANDS. I wish to say a few words upon this motion.

Mr. HILL. I call for a vote.

The CHAIRMAN. The gentleman from Connecticut has been recognized.

Mr. NEWLANDS. Is not this a debatable motion?

The CHAIRMAN. It is not.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 8752) authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 45.

*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 173) for the relief of the owners of the British ship Foscolia and cargo, the same matter having been included in the omnibus claims bill (H. R. 8587), approved by the President May 27, 1902.*

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

#### SUBSIDIARY SILVER COINAGE.

The committee resumed its session.

Mr. NEWLANDS. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NEWLANDS. After the motion of the gentleman from Connecticut prevails, and that the pending amendments have been adopted or rejected, if then other amendments to this section are presented, will it be out of the power of the House to debate those amendments? Will the gentleman answer that question?

The CHAIRMAN. It certainly will.

Mr. HILL. The Chair has answered the gentleman's question.

The CHAIRMAN. The Chair supposed that the gentleman from Nevada was addressing the parliamentary inquiry to the Chair. At the expiration of ten minutes after the adoption of the motion of the gentleman from Connecticut it would be out of order to indulge in further debate on any amendment.

Mr. NEWLANDS. I will ask, then, whether it is the purpose of the gentleman's motion to accomplish that result?

Mr. HILL. I will state frankly that it is. The purpose is to have ten minutes more of debate on this bill and all amendments, and then to come to a vote.

Mr. COCHRAN. I should like to have the gentleman's motion stated again.

The CHAIRMAN. The motion of the gentleman from Connecticut is that all debate upon the pending section and all amendments thereto be closed in ten minutes.

Mr. COCHRAN. Mr. Chairman, I move to amend by substituting two hours.

The CHAIRMAN. The gentleman from Missouri moves to amend the motion of the gentleman from Connecticut that all debate on the pending section and all amendments thereto be closed in ten minutes by substituting therefor a motion that it be closed in two hours. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 77, noes 96.

Mr. COCHRAN. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] and the gentleman from Missouri [Mr. COCHRAN] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 79, noes 94.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Connecticut to close debate on the pending section and all amendments thereto in ten minutes.

The question was taken; and on a division (demanded by Mr. SHAFROTH) there were—ayes 90, noes 87.

Mr. COCHRAN. I demand tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] and the gentleman from Missouri [Mr. COCHRAN] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 94, noes 76.

So the motion was agreed to.

The CHAIRMAN. The gentleman from Connecticut is recognized for five minutes and the gentleman from Missouri is recognized for the remaining five minutes.

Mr. SHAFROTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHAFROTH. Under the order, as it has been adopted here, I would inquire whether we are compelled to present any new amendments before the ten minutes expire or are we compelled to wait until each amendment is voted upon?

The CHAIRMAN. They will have to be presented as they would be ordinarily.

Mr. SHAFROTH. After an amendment has been voted down or agreed to then present another amendment.

The CHAIRMAN. After the debate is closed or during the debate.

Mr. HILL. Mr. Chairman, I claim the privilege of the last five minutes instead of the first. Is that not in order? I have a right to close debate, have I not?

The CHAIRMAN. The Chair thinks the gentleman from Connecticut [Mr. HILL] having the affirmative of the proposition is entitled to close debate. The Chair will recognize the gentleman from Missouri [Mr. COCHRAN].

Mr. NEWLANDS. Mr. Chairman, I would ask the gentleman from Connecticut whether he will allow me one minute of his time?

Mr. HILL. Mr. Chairman, I will when my time comes.

Mr. COCHRAN. Mr. Chairman, what was the ruling of the Chair as to closing the debate?

The CHAIRMAN. In the opinion of the Chair, the gentleman from Connecticut, having the affirmative of the proposition, is entitled to the last five minutes, and the gentleman from Missouri, having the negative of the proposition, is recognized.

Mr. COCHRAN. Mr. Chairman, I would suggest that the proposition pending is on the amendment of the gentleman from Nevada [Mr. NEWLANDS], of which we hold the affirmative.

Mr. SHAFROTH. The amendment was offered by the gentleman from Nevada, and we unquestionably have the affirmative.

The CHAIRMAN. The Chair thinks the gentleman from Missouri is right. The Chair was of the opinion that the question was on the final vote in committee on the bill. The gentleman from Connecticut is recognized.

Mr. NEWLANDS. Will the gentleman yield?

Mr. HILL. I will yield one minute to the gentleman from Nevada.

The CHAIRMAN. The gentleman from Nevada is recognized for one minute.

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. HILL. Mr. Chairman, we are about to vote on a plain, straightforward business proposition, in which no politics is involved, and no political question should be raised concerning it.

It is simply to supply a deficiency in the volume of our subsidiary coin; simply that and nothing more. There are two amendments pending, one by the gentleman from Pennsylvania [Mr. GROW] providing for and making a new kind of subsidiary coin. That amendment, if carried to its logical effect, would cost the United States Government \$1,000,000 for recoinning the existing subsidiary coin, and would reduce the volume, instead of increasing it, \$7,000,000, which would make an expense to the United States Government of \$8,000,000. I do not believe it is worth any such expenditure, although uniformity rather than lack of uniformity would be desirable.

So far as the amendment of the gentleman from Nevada is concerned, he proposes to take such subsidiary coin as is recoinced in the future, as public interests require, from the legal-tender dollar and give it a full legal-tender quality, which even the dollar itself does not now possess. And not only that, but it would make two kinds of subsidiary coin, for your halves and your quarters which you found in your pockets, one of them might possibly be full legal tender and the other would be subsidiary, and it would not be in the power of any human being to distinguish between the two unless different symbols or emblems were stamped upon them; and the moment you do that you double your liability to counterfeiting. So it seems to me the thing we ought to do is to vote straight for the bill, just as the Treasury Department officials, over the signature of the Director of the Mint, Mr. Roberts, and the signature of the Secretary of the Treasury, ask that the bill be passed, and vote down all amendments.

I yield back the balance of my time, and ask for a vote as soon as the other side shall have exhausted their time.

Mr. SHAFROTH. Will the gentleman yield to me for a question?

Mr. HILL. Yes.

Mr. SHAFROTH. Is it not a fact that the assistant treasurer at New York, Mr. Muhleman, has sent a communication to the Committee on Coinage, Weights, and Measures in which he condemns this feature of your bill?

Mr. HILL. I have no knowledge of any such fact.

Mr. SHAFROTH. Well, I will ask the gentleman to turn to the hearings before the Committee on Coinage, Weights, and Measures, at page 58, where he will find such a communication.

Mr. HILL. Mr. Chairman, I decline to yield any further. [Laughter on the Democratic side.] I do not decline to yield because of anything that is there. I have submitted to the House the written opinion of the Secretary of the Treasury and the Director of the Mint, written within two months.

Mr. SHAFROTH. Yes, and here is a statement from the assistant treasurer at New York, Mr. Muhleman, condemning this legislation, and he is the best writer on your side of the subject to-day.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. Let them show it in their own time.

Mr. KLUTTZ. Will the gentleman from Connecticut yield for a question?

Mr. HILL. I reserve the balance of my time until they get through.

The CHAIRMAN. The gentleman has half a minute remaining.

Mr. HILL. I reserve it.

Mr. KLUTTZ. The gentleman declines to yield?

Mr. HILL. Yes.

Mr. KLUTTZ. I do not blame him.

Mr. COCHRAN. Mr. Chairman, I am not at all surprised that the gentleman from Connecticut [Mr. HILL] has arrived at the conclusion that the time has been reached when this debate should close. The gentleman from Connecticut has occupied an hour and three minutes and a half in presenting his views upon this measure, and when the financial oracle of the Republican side of the House has talked in that paternal way to his fellows on a financial measure, who shall dare say that it lies within the bounds of human genius to add a syllable to the flood of wisdom poured out upon the House by the great doctor of finance from Connecticut?

By the suppression of debate upon this measure the House of Representatives again exposes itself to the country as a branch of the Government which is gradually sinking beneath the level of the contempt of the people. We are going to send this bill over to the Senate to be pruned of features never dreamed of outside of the fertile brain of the gentleman who just addressed the House [Mr. HILL]. The gentlemen on the other side of the Chamber know that this will be done; otherwise many of them would not vote for it.

Every important piece of legislation that has been enacted in this country since I became a member of this body has been treated in the same manner by the majority in this Chamber. The most important measures enacted by the Congress during the past few years, ostensibly originating in the House, have been

thrown together by mediocrity and incompetency on that side of the Chamber, rushed through here without debate or the right of amendment, and sent to the Senate, there to be formulated into laws. [Applause on the Democratic side.]

Under the Constitution the House of Representatives originates money bills. In the exercise of this great power how do you formulate money bills? You do it with the distinct understanding that in the end the Senate will review your work and correct your blunders. Everything you do is revised in the Senate. Every measure of importance brought into this Chamber by the leaders of the majority is disposed of under whip and spur, regardless of its crudities, because the Senate may be relied upon to edit, revise, and perfect it. We proceed under rules which shut off amendment, shut off debate, and thus deprive the minority of any voice in legislation. Every day the majority in this Chamber thus makes confession of its incompetency to formulate legislation. [Loud applause on the Democratic side.] The House formulates certain bills by virtue of the mandate of the Constitution. Read in the history of this class of legislation the story of your shame.

Go look at any one of them as it left your hands within the past five years, and then look at it as it appears on the statute books, and read there the fact of the contemptible figure cut by the majority of this House in the affairs of this Government.

Shame upon a legislative body that is content to go on as we do. The Committee on Rules meets out here somewhere, and over good Habana cigars discusses what you ought to do, and what you ought not to do. Who compose the Committee on Rules? Do the gentlemen on that committee bear credentials differing from yours and mine.

Who authorizes three men to say what shall be debated and what shall not be debated and how long measures of importance shall be debated in this House? The Republicans on this floor, who by their conduct abdicate their functions as individuals and collectively consent to the elimination of the House of Representatives as an effective branch of the Congress. Go home to your constituents and, if you can, make a sufficient apology for having thus emasculated the people's branch of the Legislature. [Loud applause on the Democratic side.]

Mr. OLMSTED. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. COCHRAN. Furthermore—

Mr. OLMSTED. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Missouri yield?

Mr. COCHRAN. I decline to yield to the gentleman. For once, to prevent the exhaustion of the short time at my disposal, I avail myself of the refuge of the gentleman from Connecticut, who, after having perverted the hearings on this bill before his own committee, after having recklessly made this assertion and that assertion, when called to book half a dozen times, to escape the pillory, declined to be further interrupted.

Mr. OLMSTED. Is that what you are trying to do?

Mr. COCHRAN (continuing). I do not wonder that the gentleman insists upon interruptions, and seeks to prevent me from having even the poor little five minutes at my disposal. After you have adopted this wretched measure here you know it will not become a law. A Senate will amend it, perhaps there will be a conference committee, and in the end you will gulp it down without thought or consideration, just as you are gulping it down to-day without thought or consideration. The House has constitutional prerogatives, has it? Money bills originate in the House—revenue bills originate in this House! Oh, yes, they originate here!

The committee meets. The majority of the committee meets, formulates the bill, barring the minority out of any substantial participation in the proceeding. The measure is shown to the minority and then reported to the House. The measure is refuted. Then the Committee on Rules has an inning. This triumvirate of parliamentary dictators brings in a rule saying how long the measure shall be debated and prohibiting the right of amendment. What if the measure be crude and ill-drawn? This gives the statesmen on the other side no concern. Wholly indifferent to the dignity of the House, utterly insensible of personal responsibility, they rush it through and say: "Oh, well; it may not be right now, but it will be made all right in the Senate." What apology have you for existence, anyhow? [Laughter and loud applause on the Democratic side.]

The CHAIRMAN. The gentleman has expired. [Laughter.]

Mr. HILL. I yield the remaining half minute to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I was at one time a member of a Democratic House of Representatives. It was a very able body. It had in its members such men as Wilson, of West Virginia; Blount and Turner, of Georgia; Carlisle, and so on and so forth. They commenced operations in December, and some time during the next summer, after laboring and struggling for months, made a

money bill called a tariff bill. They sent it over to the Senate as nearly perfect as possible—

Mr. COCHRAN. A point of order, Mr. Chairman.

Mr. GROSVENOR (continuing). For Democrats to make it—

Mr. COCHRAN. A point of order, Mr. Chairman. The time of the gentleman has expired.

Mr. GROSVENOR. And it came back here with 600 amendments.

Mr. COCHRAN. A point of order. [Cries of "Vote!"]

Mr. GROSVENOR. What is the point of order?

Mr. COCHRAN. I call the gentleman from Ohio to order.

Mr. GROSVENOR. What is the point of order? I want to hear it.

The CHAIRMAN. Your time has expired. [Laughter.]

Mr. COCHRAN. A point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The gentleman's time has expired.

Mr. GROSVENOR. The point of order has not expired.

The CHAIRMAN. The committee will be in order.

Mr. COCHRAN. The Reporter seems still to be reporting the remarks of the gentleman from Ohio.

Mr. GROSVENOR. I have a right to know what the point of order is. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded.

Mr. LANHAM. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Pennsylvania.

Mr. GROSVENOR. What is the point of order?

The CHAIRMAN. That the time of the gentleman has expired.

Mr. GROSVENOR. Has a member on the floor the right to make that point of order?

The CHAIRMAN. The Chair had already announced the fact when the point of order was made.

The gentleman from Texas offers the following substitute to the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out the words "and thereafter as public necessity may demand to recoin silver dollars into subsidiary coin," in lines 7, 8, and 9; strike out the words "and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars," in lines 10, 11, 12, and 13.

The CHAIRMAN. The Chair would state to the gentleman from Texas that the matter he has set out is not a substitute to the amendment offered by the gentleman from Pennsylvania. It is a distinct amendment.

Mr. LANHAM. It is designed as a substitute for both the amendment of the gentleman from Pennsylvania and the amendment to that amendment offered by the gentleman from Nevada.

Mr. HILL. Mr. Chairman, I make the point of order that the amendment contains a provision directly antagonistic to the remaining portion of the bill, which the gentleman leaves in.

Mr. LANHAM. It is entirely consistent with the bill and with the object as defined in its title and in keeping with the recommendations of the officers of the Treasury Department. It wholly disconnects the matter of the present legal-tender quality of the standard silver dollar from any place in the bill.

The CHAIRMAN. As the Chair understands the gentleman's proposition, it involves striking out two lines or three lines of the bill above the point where the amendment offered by the gentleman from Pennsylvania comes in, and therefore embodies more than the amendment of the gentleman from Pennsylvania includes, and it is not a substitute, but is a different amendment.

Mr. LANHAM. The design of it is to include both of the amendments. Mr. Chairman, if I understand the parliamentary status of the bill, it is this: The gentleman from Pennsylvania offered the following amendment:

After the word "coin," in line 9, add "provided the subsidiary coin shall be one-half dollar, quarter dollar, 10-cent, and 5-cent pieces. Each of the aforesaid pieces shall be the aliquot part of a dollar of 412½ grains."

To which amendment an amendment was proposed by the gentleman from Nevada, as follows:

Add to the amendment offered by the gentleman from Pennsylvania the following words: "which shall be full legal tender for all debts, public and private."

Now, I propose as a substitute for this amendment and the amendment to the original amendment what I have sent to the Clerk's desk, which simply eliminates from the bill the words indicated; and the bill will read, if this substitute should be adopted, as follows:

That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet the public requirement, and so much of any act as fixes the limit and aggregate of subsidiary silver coin is hereby repealed.

That would be a plain and simple bill, responsive to the demand of the situation, and, I believe, if offered in that shape would not receive a dissenting vote on either side of the House. It omits

entirely the question of the legal-tender quality of the outstanding silver dollar.

The CHAIRMAN. The gentleman's amendment may be in order when the other two are disposed of. The gentleman from Texas offers it as a substitute for the original amendment offered by the gentleman from Pennsylvania, and includes therein the striking out of a considerable portion of the bill which is not in the least affected by the amendment offered by the gentleman from Pennsylvania.

Mr. LANHAM. May I ask a question of the Chair?

The CHAIRMAN. The gentleman from Texas proposes, as a substitute for a motion to insert, a provision with a motion to strike out of the bill. The Chair thinks, while the amendment might be in order after the pending amendments are disposed of, it is clear that it is not a substitute to the amendment.

Mr. LANHAM. I shall be content if the Chair will recognize me afterwards to offer this amendment.

The CHAIRMAN. The Chair will recognize the gentleman after the pending amendments are disposed of.

Mr. GROW. Mr. Chairman, a vote will have to be first taken on the two amendments offered by the gentleman from Nevada and myself before there can be another amendment offered.

The CHAIRMAN. Certainly. The question is on the amendment offered by the gentleman from Nevada to the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

Add to the amendment offered by the gentleman from Pennsylvania the following: "which shall be full legal tender for all debts, public and private."

The question was taken; and on a division (demanded by Mr. NEWLANDS) there were 70 ayes and 92 noes.

Mr. NEWLANDS. I demand tellers, Mr. Chairman.

Tellers were ordered.

The Chair appointed as tellers Mr. HILL and Mr. COCHRAN.

The House again divided; and the tellers reported 67 ayes and 90 noes.

So the amendment was disagreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk again reported the amendment.

Mr. LANHAM. I offer now the amendment which I have sent to the Clerk's desk.

The Clerk read as follows:

Strike out the words "and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin," in lines 7, 8, and 9; and also strike out the words "and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars," in lines 10, 11, 12, and 13.

So that as amended the bill will read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding is hereby repealed.

The question being taken on the amendment of Mr. LANHAM, it was rejected; there being ayes 54, noes 88.

Mr. COCHRAN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Amend by striking out everything after the enacting clause and inserting the following:

"After having coined or set aside for future coinage into standard silver dollars an amount of the silver bullion now in the Treasury to provide for the redemption of the Treasury notes issued under the act of July 14, 1890, in accordance with the provisions of said act, the Secretary of the Treasury is hereby authorized to coin the silver bullion remaining in the Treasury into subsidiary silver coin of such denominations as he may deem necessary to meet the public requirements."

The question being taken, the amendment of Mr. COCHRAN was rejected.

Mr. COCHRAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out all after the word "requirements," in line 7.

Mr. COCHRAN. Mr. Chairman, that is not— [Cries of "Order!"]

Mr. GROSVENOR. I insist upon the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. SHAFROTH. Let the amendment be again read. How will the bill read if the amendment be adopted?

Mr. COCHRAN. The amendment simply eliminates the provision for recoinage— [Cries of "Order!"]

The question being taken, the amendment was rejected; there being—ayes 52, noes 71.

Mr. GAINES of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof:  
"That the Secretary of the Treasury is hereby authorized to coin into subsidiary silver coin all the silver denominated now in the Treasury, or which may hereafter accrue, or so much thereof as he in his discretion may deem necessary to meet public requirements."

Mr. GAINES of Tennessee. Mr. Chairman— [Cries of "Order!"]

The question being taken, the amendment of Mr. GAINES of Tennessee was rejected.

Mr. SUTHERLAND. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Strike out in lines 7, 8, and 9, after the word "requirements," the following:

"And thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin."

Mr. COCHRAN. I rise to a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COCHRAN. My point of order is that this amendment is a repetition of two amendments already offered and voted down.

Mr. GROSVENOR. I make the point of order that all debate is closed.

The CHAIRMAN. The gentleman from Missouri [Mr. COCHRAN] makes the point of order that this amendment is a repetition of amendments already offered and voted down. Does the gentleman claim that the amendment offered by the gentleman from Utah [Mr. SUTHERLAND] is identical in language with an amendment already offered and voted upon?

Mr. COCHRAN. It is identical with the amendment offered by the gentleman from Texas [Mr. LANHAM], and it is identical in effect with the amendment offered by the gentleman from Missouri who is now addressing the House.

The CHAIRMAN. As to the amendment offered by the gentleman from Texas, the Chair will call the attention of the gentleman from Missouri to the fact that the amendment offered by the gentleman from Utah [Mr. SUTHERLAND] does not affect the last four or five lines of the bill, which the gentleman from Texas proposed to strike out.

Mr. COCHRAN. I withdraw the point of order. I made it for the purpose of holding up in the presence of the country— [Cries of "Order!"]

The question being taken on the amendment of Mr. SUTHERLAND, it was rejected; there being—ayes 60, noes 81.

Mr. CANDLER. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Amend by inserting between the word "into," in the fifth line, and the word "such," in the sixth line, the words "standard silver dollars and;" and by striking out all the words in the bill after the word "requirements," in the seventh line, except the words "and so much of any act as fixes a limit to the aggregate of subsidiary silver outstanding is hereby repealed."

So that, if thus amended, the bill will read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into standard silver dollars and such denominations of subsidiary silver coin as he may deem necessary to meet public requirements; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding is hereby repealed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

Mr. NEWLANDS. Mr. Chairman, I offer the following amendment, which I ask to have read.

The Clerk read as follows:

Add to the end of the section: "All subsidiary silver coin heretofore or hereafter coined shall be of full legal tender for all debts, public and private."

The CHAIRMAN. The question is on the amendment of the gentleman from Nevada.

The question was taken, and the amendment was rejected.

Mr. HILL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12704, and had directed him to report the same back to the House with the recommendation that the same do pass.

Mr. HILL. Mr. Speaker, I move the previous question on the bill to its passage.

Mr. COCHRAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 78; answered "present" 22, not voting 143; as follows:

## YEAS—108.

Adams,	Dahle,	Hull,	Olmsted,
Alexander,	Dalzell,	Jack,	Otjen,
Allen, Me.	Douglas,	Jenkins,	Overstreet,
Ball, Del.	Draper,	Jones, Wash.	Parker,
Barney,	Elliot,	Kahn,	Patterson, Pa.
Bartholdt,	Esch,	Knapp,	Payne,
Bishop,	Evans,	Lacey,	Pearre,
Blackburn,	Fitzgerald,	Lawrence,	Perkins,
Boutell,	Fletcher,	Lessler,	Prince,
Bowersock,	Foster, Vt.	Littlefield,	Ray, N. Y.
Brick,	Fowler,	Loud,	Roberts,
Bromwell,	Gaines, W. Va.	McCall,	Rumple,
Brown,	Gardner, Mich.	McCleary,	Schirm,
Burleigh,	Gillet, N. Y.	McClellan,	Smith, Ill.
Burton,	Graff,	McLachlan,	Southwick,
Butler, Pa.	Greene, Mass.	Mann,	Sperry,
Cannon,	Grosvenor,	Martin,	Stevens, Minn.
Capron,	Grow,	Mercer,	Sullivan,
Cassel,	Hamilton,	Minor,	Sutherland,
Connell,	Hanbury,	Monnell,	Tawney,
Conner,	Haugen,	Moody, N. C.	Thomas, Iowa
Corlies,	Heatwole,	Moody, Oreg.	Tirrell,
Cousins,	Hemenway,	Morgan,	Tongue,
Cramer,	Henry, Conn.	Morrell,	Wachter,
Crumpacker,	Hepburn,	Morris,	Warner,
Currier,	Hill,	Mudd,	Weeks,
Cushman,	Howell,	Needham,	Wilson.

## NAYS—78.

Bankhead,	Feely,	Little,	Ryan,
Bartlett,	Finley,	Livingston,	Scarborough,
Bell,	Glenn,	Lloyd,	Shackelford,
Bowie,	Green, Pa.	McAndrews,	Shafroth,
Brantley,	Griffith,	McCalloch,	Smith, Ky.
Breazeale,	Griggs,	McLain,	Sparkman,
Broussard,	Henry, Miss.	McRae,	Spight,
Brundidge,	Howard,	Maddox,	Stark,
Burgess,	Jackson, Kans.	Mahoney,	Swanson,
Burleson,	Jett,	Mickey,	Tate,
Burnett,	Jones, Va.	Neville,	Thompson,
Caldwell,	Kehoe,	Newlands,	Underwood,
Candler,	Kitchin, Claude	Patterson, Tenn.	Vandiver,
Clayton,	Kleberg,	Pou,	Williams, Ill.
Cochran,	Kluttz,	Randell, Tex.	Williams, Miss.
Cooney,	Lamb,	Ransdell, La.	Woods,
Cowherd,	Lanham,	Reid,	Wooten,
Davis, Fla.	Latimer,	Rhea, Va.	Zenor.
De Armond,	Lever,	Richardson, Tenn.	
Dinsmore,	Lewis, Ga.	Robinson, Nebr.	

## ANSWERED "PRESENT"—22.

Cassingham,	Gilbert,	Meyer, La.	Smith, Iowa
Clark,	Hall,	Miers, Ind.	Steele,
Conry,	Hay,	Pierce,	Stephens, Tex.
Gaines, Tenn.	Irwin,	Rixey,	Wheeler.
Gardner, N. J.	Johnson,	Robinson, Ind.	
Gibson,	Maynard,	Ruppert,	

## NOT VOTING—143.

Acheson,	Dovener,	Lester,	Sherman,
Adamson,	Driscoll,	Lewis, Pa.	Showalter,
Allen, Ky.	Eddy,	Lindsay,	Sibley,
Applin,	Edwards,	Littauer,	Sims,
Babcock,	Emerson,	Long,	Skiles,
Ball, Tex.	Fleming,	Loudenslager,	Slayden,
Bates,	Flood,	Lovering,	Small,
Beidler,	Foerderer,	McDermott,	Smith, H. C.
Bellamy,	Fordney,	Mahon,	Smith, S. W.
Belmont,	Foss,	Marshall,	Smith, Wm. Alden
Benton,	Foster, Ill.	Metcalf,	Snodgrass,
Bingham,	Fox,	Miller,	Snook,
Blakeney,	Gill,	Moon,	Southard,
Boreing,	Gillet, Mass.	Moss,	Stewart, N. J.
Bristow,	Goldfogle,	Mutchler,	Stewart, N. Y.
Brownlow,	Gooch,	Napen,	Storm,
Bull,	Gordon,	Nevin,	Sulzer,
Burk, Pa.	Graham,	Norton,	Talbert,
Burke, S. Dak.	Haskins,	Padgett,	Taylor, Ohio
Burkett,	Hedge,	Palmer,	Taylor, Ala.
Butler, Mo.	Henry, Tex.	Powers, Me.	Thayer,
Calderhead,	Hildebrand,	Powers, Mass.	Thomas, N. C.
Coombs,	Hitt,	Pugsley,	Tompkins, N. Y.
Cooper, Tex.	Holliday,	Reeder,	Tompkins, Ohio
Cooper, Wis.	Hooker,	Reeves,	Trimble,
Creamer,	Hopkins,	Richardson, Ala.	Van Voorhis,
Crowley,	Hughes,	Robb,	Vreeland,
Curtis,	Jackson, Md.	Robertson, La.	Wadsworth,
Darragh,	Joy,	Rucker,	Wanger,
Davey, La.	Kern,	Russell,	Warnock,
Davidson,	Ketcham,	Scott,	Watson,
Dayton,	Kitchin, Wm. W.	Selby,	White,
De Graffenreid,	Knox,	Shallenberger,	Wiley,
Deemer,	Kyle,	Shattuc,	Wright,
Dick,	Landis,	Shelden,	Young.
Dougherty,	Lassiter,	Sheppard,	

The following pairs were announced:

For the session:

Mr. DEEMER with Mr. MUTCHLER.  
Mr. COOMBS with Mr. DAVEY of Louisiana.  
Mr. METCALF with Mr. WHEELER.  
Mr. WANGER with Mr. ADAMSON.  
Mr. SHERMAN with Mr. RUPPERT.  
Mr. HILDEBRANT with Mr. MAYNARD.  
Mr. YOUNG with Mr. BENTON.  
Mr. BOREING with Mr. TRIMBLE.

Mr. BULL with Mr. CROWLEY.  
Until further notice:  
Mr. FOSS with Mr. MEYER of Louisiana.  
Mr. IRWIN with Mr. GOOCH.  
Mr. LONG with Mr. HENRY of Texas.  
Mr. EMERSON with Mr. GILBERT.  
Mr. WRIGHT with Mr. HALL.  
Mr. DAYTON with Mr. ROBERTSON of Louisiana.  
Mr. SHOWALTER with Mr. SLAYDEN.  
Mr. GILL with Mr. ROBB.  
Mr. BURKETT with Mr. SHALLENBERGER.  
Mr. VAN VOORHIS with Mr. CASSINGHAM.  
Mr. GILLET of Massachusetts with Mr. NAPHEN.  
Mr. LOVERING with Mr. CONRY.  
Mr. HASKINS with Mr. JOHNSON.  
Mr. CURTIS with Mr. STEPHENS of Texas.  
Mr. BINGHAM with Mr. CREAMER.  
Mr. POWERS of Maine with Mr. GAINES of Tennessee.  
Mr. KETCHAM with Mr. SNODGRASS.  
Mr. REEDER with Mr. WHITE.  
Mr. CALDERHEAD with Mr. FOX.  
Mr. GARDNER of New Jersey with Mr. MOON.  
Mr. BROWNLOW with Mr. PIERCE.  
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.  
Mr. GORDON with Mr. SCOTT.  
Mr. HOLLIDAY with Mr. MIERS of Indiana.  
Mr. SMITH of Iowa with Mr. PADGETT.  
Mr. SKILES with Mr. TALBERT.  
Mr. SOUTHWARD with Mr. NORTON.  
Mr. STEELE with Mr. COOPER of Texas.  
Mr. LANDIS with Mr. CLARK.  
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.  
For ten days:  
Mr. WM. ALDEN SMITH with Mr. ROBINSON of Indiana.  
Mr. MILLER with Mr. THOMAS of North Carolina.  
For one week:  
Mr. TAYLOR of Ohio with Mr. WILLIAM W. KITCHIN.  
Mr. BEIDLER with Mr. HOOKER.  
Mr. SAMUEL W. SMITH with Mr. DOUGHERTY.  
Mr. GIBSON with Mr. SIMS.  
Mr. BATES with Mr. BELLAMY.  
For the 28th and 29th:  
Mr. VREELAND with Mr. SULZER.  
For the 29th:  
Mr. EVANS with Mr. JONES of Virginia.  
For this day:  
Mr. LEWIS of Pennsylvania with Mr. SELBY.  
Mr. POWERS of Massachusetts with Mr. PUGSLEY.  
Mr. BABCOCK with Mr. RIXEY.  
Mr. JACKSON of Maryland with Mr. SHEPPARD.  
Mr. DOVENER with Mr. LESTER.  
Mr. GRAHAM with Mr. ALLEN of Kentucky.  
Mr. BURK of Pennsylvania with Mr. BELMONT.  
Mr. WARNOCK with Mr. KERN.  
Mr. DAVIDSON with Mr. LASSITER.  
Mr. BURKE of South Dakota with Mr. GOLDFOGLE.  
Mr. BRISTOW with Mr. FLOOD.  
Mr. ACHESON with Mr. FLEMING.  
Mr. SHELDEN with Mr. EDWARDS.  
Mr. WATSON with Mr. BUTLER of Missouri.  
Mr. FORDNEY with Mr. McDERMOTT.  
Mr. FORDERER with Mr. LINDSAY.  
Mr. HEDGE with Mr. RICHARDSON of Alabama.  
Mr. JOY with Mr. RUCKER.  
Mr. LITTAUER with Mr. SMALL.  
Mr. MAHON with Mr. WILEY.  
Mr. MARSHALL with Mr. SNOOK.  
For the vote:  
Mr. DARRAGH with Mr. THAYER.  
Mr. WADSWORTH with Mr. HAY.  
Mr. DICK with Mr. BALL of Texas.  
For this bill:  
Mr. RUSSELL with Mr. FOSTER of Illinois.  
Mr. GAINES of Tennessee. Mr. Speaker, I desire to withdraw my negative vote and to be recorded "present," as I am paired with the gentleman from Maine [Mr. POWERS].  
Mr. MIERS of Indiana. Mr. Speaker, I find that I am paired with the gentleman from Indiana [Mr. HOLLIDAY]. I voted "no," and I wish to withdraw my vote and to be recorded "present."  
Mr. ROBINSON of Indiana. I find I am paired with the gentleman from Michigan [Mr. WM. ALDEN SMITH]. I voted "no," and I desire to withdraw my vote and to be recorded "present."  
Mr. PIERCE. My colleague [Mr. BROWNLOW] has just telegraphed me that he is too ill to be in the House, although he is in the city. Therefore, I withdraw my vote, having voted "no," and answer "present."

Mr. CLARK. Mr. Speaker, I desire to know if the gentleman from Indiana [Mr. LANDIS] voted.

The SPEAKER. He did not.

Mr. CLARK. Then I want to change my vote from "no" to "present."

Mr. GARDNER of New Jersey. I find I am paired with the gentleman from Tennessee [Mr. MOON]. I voted "aye," and I desire to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. SHAFROTH. Mr. Speaker, I move to recommit the bill to the Committee on Coinage, Weights, and Measures, with instructions to report immediately the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Colorado moves to recommit the bill with the following instructions; which the Clerk will report.

The Clerk read as follows:

Recommit with instructions to report the following bill:

"A bill to increase the subsidiary silver coinage.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed."

Mr. HILL. Mr. Speaker, I ask the previous question on that motion.

The SPEAKER. The gentleman from Connecticut asks the previous question on the motion of the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent that for the explanation of this bill two minutes be allowed.

Mr. HILL. I ask the previous question, Mr. Speaker.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. HILL demanded a division.

Pending the division,

Mr. CANNON said: Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered and that two minutes be allowed to the gentleman from Colorado.

Mr. HILL. I yield to that, of course.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the previous question be considered as ordered and that the gentleman from Colorado have two minutes to address the House. Is there objection?

There was no objection. [Applause.]

Mr. SHAFROTH. Mr. Speaker, the motion to recommit provides that the committee shall report the bill with the following words stricken out: "and thereafter, as necessities may demand, to recoin silver dollars into subsidiary coin."

That will permit all the bullion in the Treasury, amounting to \$50,000,000, to be coined into subsidiary coin, which is sufficient for at least a generation, and at the same time it will prevent the melting down of full legal-tender dollars into limited legal-tender money.

The gentleman from Connecticut [Mr. HILL] claims that because Director Roberts approves his bill that therefore it meets with the approval of the Administration. Such a recommendation is not contained in the Treasury report, and that is where we find the views of the Administration as to money matters.

I want to call the attention of the House to the views of Mr. Muhleman, the assistant treasurer at the subtreasury at New York City, relative to this bill. Mr. Muhleman is a gold-standard man, and is one of the ablest writers on finance in this country. On page 58 of the hearings before the Committee on Coinage, Weights, and Measures he says:

Recurring now to the table, it will be observed that it is not likely, with dollars in circulation, that the per capita use of subsidiary coin could be increased beyond \$1.15. The ultimate supply of such coin contemplated by this bill would be ample for a population of 150,000,000, a number which we hardly expect to reach within forty years. If the law is mandatory, so that the subsidiary coinage must be continuous, the Treasury would before long find itself, as in the period between 1881 and 1891, loaded with this coin returned to it. Aside from its very limited availability for payments, which for a number of years caused the Treasury considerable embarrassment, this would entail great labor and expense in handling.

Upon the whole, while the policy of further limiting the coinage of standard dollars is entirely justifiable and it is advisable to increase the supply of subsidiary coin, I much prefer the provisions of the existing law. The determination of a fixed sum of dollars may be desirable, but the general and important object (contained in the second paragraph) can be accomplished without cutting off the coinage.

Here is not only doubt, but condemnation of the policy of melting down silver dollars for subsidiary coins. I will now read another paragraph from the same page:

The question arises, Will the policy of suspending the coinage of dollars prove satisfactory? That they serve a distinct purpose in the crop movements,

especially in the South, is manifested by the annual expansion of the volume in use between July 1 and December 31, which, in the very busy half year just closed, amounted to nearly \$10,000,000.

It is true that, to a certain extent, half dollars could and would be used in lieu of the dollars, but not to anything like the full extent of the amount of the larger pieces now out. There would remain a demand for silver dollars which \$50,000,000 would hardly cover, and this demand should be reasonably provided for.

It will be noticed that he condemns the policy of even stopping the coinage of silver dollars until the Treasury notes outstanding are retired by their issue.

Although you may not take our views on money, will you not at least heed the admonitions of one of the most experienced officers of the Treasury Department?

The truth of the matter is the increase in the subsidiary coins to \$100,000,000, authorized last Congress, is sufficient to meet the demands of commerce until we attain a population of 100,000,000.

The gentleman from Connecticut [Mr. HILL] contends that we ought to absorb as much subsidiary coin as England and other European countries, but anyone familiar with conditions there and here ought to see why we will not.

The transactions in retail commerce in Europe are very small compared to those in the United States. Hence the one and two dollar bills constitute the large part of our change money, and they amount now in the United States to \$111,000,000. These small bills have been increased in the last four years over \$30,000,000, and I have no doubt that increase has decreased the demand for subsidiary coins; so that to-day there is in the Treasury \$12,762,028 of subsidiary coin for which there is no demand, although the Government pays the transportation charges when such money is wanted.

The nations of Europe generally have no small bills, and hence subsidiary coins are forced on the people. Thus there is no paper money of England less than a £5 note, or \$25; the balance of their money is gold, which is coined in denominations of, I think, not less than £1, or \$5, and silver subsidiary coins. One can readily see from these facts why a large amount of subsidiary coin is required in such a country. But we do not want such a condition here. The people demand the convenient one and two dollar bills and will have them.

The gentleman from Connecticut [Mr. HILL] contends that the silver dollars will not circulate, but he must admit that the representatives of the silver dollar—the silver certificates—do circulate better than any other currency in this country.

The Treasury statement of this morning shows that there are \$456,391,000 silver certificates outstanding, while only \$7,488,244 are in the Treasury. There are \$345,917,089 gold certificates outstanding, while \$37,375,370 find their way and remain in the Treasury. The same statement shows that there are \$57,656,853 in gold coin, above the gold reserve, in the Treasury. This statement shows that neither gold nor silver coins circulate freely, but the gold and silver certificates do, and it would be an outrage to destroy the one and two dollar silver certificates in order to melt the silver into subsidiary coin. Yet that is exactly what the gentleman from Connecticut [Mr. HILL] proposes to do. In his speech of yesterday, he used the following language:

What I would do, if I had the power, would be to abolish the silver certificates, except the five-dollar denomination, withdrawing all legal-tender silver dollars and lock them up in the Treasury against the five-dollar certificates, receiving the dollar piece as a token dollar, with limited tender qualities for such dollar pieces as we needed for circulation, and holding the balance as a silver-bullion fund to be used for subsidiary.

We would then have \$173,497,222 of subsidiary coin and 102,946,773 of silver dollars in actual circulation, and \$408,897,608 locked up in the Treasury.

Is it possible that the American people will tolerate such hazardous tinkering with the currency?

The gentleman from Connecticut [Mr. HILL] on yesterday claimed that the only compromise on the gold-standard bill of last Congress was the insertion of the declaration for international bimetalism. I tried at that time to show by the House bill and Senate substitute on that measure the incorrectness of his position, but he would not yield for the interruption.

The record shows that section 5 of the House bill gave the Secretary of the Treasury the power to coin any silver bullion in the Treasury into subsidiary coin. That, according to my contention, gave the Secretary power to stop the coinage of silver dollars if he deemed the bullion necessary for subsidiary coinage.

The silver Senators in the Senate who voted for the bill and who held the balance of power at that time in the Senate and on the Finance Committee, evidently so believed, because they amended the bill by limiting the coinage of subsidiary coin to \$20,000,000 and inserted section 3 which reaffirmed the provisions requiring the coinage of \$1,500,000 in silver dollars per month and directing the retirement of a like amount of Treasury notes. These provisions evidently constituted the main inducement for these silver Senators to vote for the bill and they were embodied in the bill as passed.

Now, I ask, having made a compromise in legislation, is it fair,

before the moving consideration could be realized on one side, that a repeal of that part of the act should be made?

Is it right that, having gotten through legislation by concession as to the coinage of silver dollars, that before the time elapsed in which the coinage could take place, the concession should be repealed?

Having obtained by that legislation the increase of the gold reserve to \$150,000,000, the payment of the greenbacks in gold instead of coin, the right to issue bonds payable in gold, which you could never have obtained without the concession to coin silver dollars to the extent of the Treasury notes outstanding, I ask in all candor, is it now right, in violation of that compromise, to repeal the moving consideration on one side which has not been complied with?

Mr. Speaker, it is unjust and unfair, and this bill ought to be defeated.

The motion to recommit eliminates one of the worst features of the bill, and I hope it will be adopted.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Colorado, to recommit the bill to the Committee on Coinage, Weights, and Measures, with the instructions which have been read.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. SHAFROTH demanded a division.

Pending the division,

Mr. SHAFROTH demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 99, answered "present" 23, not voting 143; as follows:

#### YEAS—86.

Ball, Tex.	Fitzgerald,	McClellan,	Scarborough,
Bankhead,	Glenn,	McCulloch,	Shackleford,
Bartlett,	Griffith,	McLain,	Shafroth,
Bowie,	Griggs,	McRae,	Small,
Brantley,	Henry, Miss.	Maddox,	Smith, Ky.
Breazeale,	Howard,	Mahoney,	Snook,
Brundidge,	Jackson, Kans.	Mann,	Sparkman,
Burgess,	Jett,	Martin,	Spight,
Burleson,	Jones, Va.	Mickey,	Stark,
Burnett,	Kehoe,	Mondell,	Sutherland,
Caldwell,	Kitchin, Claude	Neville,	Swanson,
Candler,	Kleberg,	Newlands,	Tate,
Clark,	Kluttz,	Patterson, Tenn.	Thompson,
Clayton,	Lamb,	Pou,	Underwood,
Cochran,	Lanham,	Randell, Tex.	Vandiver,
Cooney,	Latimer,	Ransdell, La.	Williams, Ill.
Cowherd,	Lever,	Reid,	Williams, Miss.
Davis, Fla.	Lewis, Ga.	Rhea, Va.	Wilson,
De Armond,	Little,	Richardson, Tenn.	Wooten,
Dinsmore,	Livingston,	Robinson, Nebr.	Zenor.
Feely,	Lloyd,	Rucker,	
Finley,	McAndrews,	Ryan,	

#### NAYS—99.

Adams,	Dahle,	Irwin,	Overstreet,
Alexander,	Dalzell,	Jack,	Parker,
Allen, Me.	Douglas,	Jenkins,	Patterson, Pa.
Ball, Del.	Draper,	Jones, Wash.	Payne,
Barney,	Eddy,	Joy,	Perkins,
Bartholdt,	Esch,	Kahn,	Prince,
Bishop,	Evans,	Knapp,	Ray, N. Y.
Blackburn,	Fletcher,	Lacey,	Reeves,
Boutell,	Foster, Vt.	Landis,	Roberts,
Bowersock,	Fowler,	Lawrence,	Rumple,
Brick,	Gardner, Mich.	Lessler,	Schirm,
Brownwell,	Gillet, N. Y.	Littlefield,	Smith, Ill.
Burleigh,	Graft,	Loud,	Southwick,
Butler, Pa.	Greene, Mass.	McCall,	Sperry,
Cannon,	Grosvenor,	McLachlan,	Stevens, Minn.
Capron,	Grow,	Mercer,	Sullivan,
Cassel,	Hamilton,	Metcalf,	Sullyway,
Connell,	Hanbury,	Minor,	Tawney,
Conner,	Haugen,	Moody, N. C.	Thomas, Iowa
Corliss,	Hennenway,	Moody, Oreg.	Tirrell,
Cousins,	Henry, Conn.	Morgan,	Vreeland,
Crumacker,	Hepburn,	Morris,	Wachter,
Currier,	Hill,	Mudd,	Warner,
Cushman,	Hitt,	Needham,	Weeks,
	Hull,	Olsted,	Woods.

#### ANSWERED "PRESENT"—23.

Cassingham,	Green, Pa.	Miers, Ind.	Smith, Iowa
Conry,	Hall,	Otjen,	Steele,
Gaines, Tenn.	Hay,	Pierce,	Stephens, Tex.
Gardner, N. J.	Johnson,	Rixey,	Wanger,
Gibson,	Kitchin, Wm. W.	Robinson, Ind.	Wheeler.
Gilbert,	Maynard,	Ruppert,	

#### NOT VOTING—143.

Acheson,	Broussard,	Curtis,	Flood,
Adamson,	Brown,	Darragh,	Forrederer,
Allen, Ky.	Brownlow,	Davey, La.	Fordney,
Aplin,	Bull,	Davidson,	Foss,
Babcock,	Burk, Pa.	Dayton,	Foster, Ill.
Bates,	Burke, S. Dak.	De Graffenreid,	Fox,
Beidler,	Burkett,	Deemer,	Gaines, W. Va.
Bell,	Burton,	Dick,	Gill,
Bellamy,	Butler, Mo.	Dougherty,	Gillett, Mass.
Belmont,	Calderhead,	Dovener,	Goldfogle,
Benton,	Coombs,	Driscoll,	Gooch,
Bingham,	Cooper, Tex.	Edwards,	Gordon,
Blakeney,	Cooper, Wis.	Elliot,	Graham,
Boreing,	Creamer,	Emerson,	Haskins,
Bristow,	Crowley,	Fleming,	Heatwole,

Hedge,	McCleary,	Robb,	Stewart, N. Y.
Henry, Tex.	McDermott,	Robertson, La.	Storm,
Hildebrandt,	Mahon,	Russell,	Sulzer,
Holliday,	Marshall,	Scott,	Talbert,
Hooker,	Meyer, La.	Selby,	Taylor, Ohio
Hopkins,	Miller,	Shallenberger,	Taylor, Ala.
Howell,	Moon,	Shattuc,	Thayer,
Hughes,	Morrell,	Shelden,	Thomas, N. C.
Jackson, Md.	Moss,	Sheppard,	Tompkins, N. Y.
Kern,	Mutcher,	Sherman,	Tompkins, Ohio
Ketcham,	Napfen,	Showalter,	Tongue,
Knox,	Nevin,	Sibley,	Trimble,
Kyle,	Norton,	Sims,	Van Voorhis,
Lassiter,	Padgett,	Skiles,	Wadsworth,
Lester,	Palmer,	Slayden,	Warnock,
Lewis, Pa.	Pearre,	Smith, H. C.	Watson,
Lindsay,	Powers, Me.	Smith, S. W.	White,
Littauer,	Powers, Mass.	Smith, Wm. Alden	Wiley,
Long,	Pugsley,	Snodgrass,	Wright,
Loudenslager,	Reeder,	Southard,	Young.
Lovering,	Richardson, Ala.	Stewart, N. J.	

So the motion to recommit was rejected.

Mr. RIXEY. Mr. Speaker, I voted "yea." I desire to change my vote and be marked "present," as I am paired.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I voted in the affirmative. I wish to withdraw my vote, being paired, and be marked "present."

Mr. GAINES of Tennessee. Mr. Speaker, I desire to change my vote from "yea" to "present." I am paired.

Mr. MIERS of Indiana. Mr. Speaker, I desire to change my vote from "yea" to "present." I am paired with the gentleman from Indiana [Mr. HOLLIDAY].

The following additional pairs were announced:

Mr. MORRELL with Mr. GREEN of Pennsylvania, for the session. On this vote:

Mr. HOWELL with Mr. BELL.

Mr. DARRAGH with Mr. THAYER.

Mr. HOPKINS with Mr. GOOCH.

Mr. NEVIN with Mr. SULZER.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. HILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks upon the bill just passed. Is there objection? [After a pause.] The Chair hears none.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

S. 4616. An act to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes;

S. 5505. An act adjusting certain conflicts respecting State school-indemnity selections in lieu of school sections in abandoned military reservations; and

S. R. 107. Joint resolution to provide for the printing of the proceedings at the unveiling of the statue of the Count de Rochambeau.

#### CONFERENCE BETWEEN SENATE AND HOUSE.

The SPEAKER laid before the House the following concurrent resolution of the Senate; which was read:

#### Senate concurrent resolution 44.

*Resolved by the Senate (the House of Representatives concurring), That a committee consisting of three Senators be appointed by the Presiding Officer of the Senate to meet with a committee of like number to be appointed by the House of Representatives, to confer upon the matter of the message of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903."*

And that in compliance with the foregoing the Presiding Officer had appointed, as said committee on the part of the Senate, Mr. SPOONER, Mr. PROCTOR, and Mr. PETTUS.

The SPEAKER. The question is on agreeing to the resolution.

Mr. DALZELL. Mr. Speaker, I want to say just a word about this matter. It will be recollected that the Army appropriation bill went to the Senate from the House and came back with sundry Senate amendments. The House disagreed to some of the Senate amendments and asked for a conference. The conferees were appointed. At the same time the House instructed its conferees not to agree to certain Senate amendments. The fact that the House had so instructed its conferees was contained in the message which went to the Senate announcing the agreement to the conference. The Senate for some reason or other seems to think that that practice is without precedent, and that it in some way or other affects the dignity of the Senate and puts the House in a false position in its relation to the Senate.

Under these circumstances, after discussing various methods of adjusting the matter, the Senate resolved, as the Clerk has just read, to appoint a committee to confer, not upon the disagreement between the two Houses as to the Army appropriation bill, but to confer as to the action of the House in sending over the message that it did, announcing that it had instructed the conferees as in the message contained.

Without expressing any opinion at all as to whether or not there was any necessity for such action on the part of the Senate, or as to the method adopted by them, under the circumstances it seems to me it would only be an act of courtesy upon our part to agree to the Senate resolution and appoint the committee to confer with their committee. I suppose the form of action on our part should be to assent to the Senate's request for the appointment of the committee and to appoint the committee.

The SPEAKER. The Chair will call the attention of the gentleman to the fact that the Senate has put it in the form of a concurrent resolution, so that if the resolution is adopted the committee will be appointed.

Mr. PAYNE. Mr. Speaker, I would like to have the resolution again reported.

The Clerk again reported the resolution.

Mr. DALZELL. It seems to me we ought to agree to the Senate resolution.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understand the resolution does not express any opinion. Some gentlemen on this side had an idea that the passing of the resolution prejudged the matter, but it does not; it asks for a conference. It does not relate in any way to the merits of the controversy arising out of the disagreeing votes of the two Houses on the military bill. It has nothing to do with that bill, but it is simply a matter of right and courtesy of the appointment of conferees and instructing them in advance.

Mr. CLARK. Mr. Speaker, I would like to ask a question. If this commission, or whatever you call them, are appointed to go over there and confer with these Senate gentlemen, are they authorized to make an arrangement by which we are to back down from that resolution offered by the gentleman from Illinois [Mr. CANNON]? When they get back here, if they do report in favor of backing down, I want to know whether we can discuss that proposition in the House, and if we can I want something to say about it myself.

Mr. CANNON. As I understand it, Mr. Speaker, if action is taken it is on agreeing to the resolution proposed by the Senate, and the conference would consider the matter contained in the resolution. I do not understand it would give the conferees any power to confer touching the disagreeing votes between the House and the Senate upon the Army bill.

Mr. CLARK. No; but I want to ask the gentleman a question, as he understands the whole business. What I want to know is, if the gentlemen who are appointed by the Speaker under this resolution go over there to confer with the Senate whether we acted in a polite way or did not act in a polite way, when they come back here to report to the House, are we going to have a right to debate the report that they make to us?

Mr. CANNON. I should say that the House had plenary power in this as in other cases.

Mr. WILLIAMS of Mississippi. The House or the Speaker? [Laughter.]

Mr. CLARK. Are we going to be allowed to have any debate upon it?

Mr. CANNON. As far as I am concerned, I would not cut off the House if I could, and I could not if I would. I do not know what may be recommended, I do not know who may recommend it, but as I understand it the Army bill in the meantime remains on the table in the Senate, and I take it that it would be quite competent for the Senate to take up the bill to-morrow notwithstanding this conference.

Mr. GROSVENOR. Mr. Speaker, I would like to ask this question: Suppose the commission comes in with a report and states that we ought not to have sent any such resolution as that over to the Senate, what effect does that have on the action of this House in having sent that bill over there with that proposition?

Mr. CANNON. None at all, in my judgment. The House will deal with this report, if any is made, as it sees proper to do, and whatever report will be made the House will have plenary power in the premises. While I am not a prophet, as one member of the House I have very decided views in the premises. [Laughter.]

Mr. GROSVENOR. It is a kind of educational commission, to educate the House as to the propriety of its conduct. [Laughter.]

Mr. CANNON. Possibly. I think if there is education in the premises, as my colleague suggests, the House does not need much. Possibly another body may. [Laughter.]

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Is this commission or this committee of such a character as that, in the judgment of the Chair, it should be appointed as conferees themselves are appointed? For instance, if this was a conference committee, we know just who would be appointed. Now, it seems to me this takes a much wider range and that there would be a greater difference in the selection in a case of this kind than there would in the case of a conference committee. I would like to know if it is the opinion of the Chair that this is upon all fours so far as selection is concerned with a conference committee?

The SPEAKER. The Chair will say, in answer to the gentleman, that, in the opinion of the Chair, the committee should be made up to represent the views of the House on this question. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. In pursuance of this resolution, and touching this resolution, and in no way acting as conferees on the Army bill, the Chair appoints the following members, which the Clerk will announce.

The Clerk read as follows:

Mr. DALZELL, Mr. CANNON, and Mr. RICHARDSON of Tennessee.

RECALL OF A BILL FROM THE PRESIDENT.

The SPEAKER laid before the House a resolution of the Senate; which was read, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 173) for the relief of the owners of the British ship Foscolia and cargo, the same matter having been included in the omnibus claims bill (H. R. 8887), approved by the President May 27, 1902.*

The SPEAKER. Without objection, the request of the Senate will be complied with.

There was no objection.

ABRAM WILLIAMS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams; which were read, and, on motion of Mr. PARKER, concurred in.

LEVI MAXTED.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 357) for the relief of Levi Maxted; which were read, and, on motion of Mr. PARKER, concurred in.

FRANCES H. ANTHONY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 7319) granting an increase of pension to Frances H. Anthony; which were read, and, on motion of Mr. SULLOWAY, concurred in.

DAVID M. M'KNIGHT.

The SPEAKER also laid before the House the bill (S. 3992) granting an increase of pension to David M. McKnight, with the information that the Senate had disagreed to the amendment of the House and asked a conference.

Mr. SULLOWAY. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked by the Senate. The motion was agreed to.

The SPEAKER announced the appointment of Mr. DARRAGH, Mr. HOLLIDAY, and Mr. MIERS of Indiana as conferees on the part of the House.

HATTIE M. WHITNEY.

The SPEAKER also laid before the House the bill (S. 4927) granting an increase of pension to Hattie M. Whitney, with the information that the Senate had disagreed to the amendment of the House and asked a conference.

Mr. LOUDENSLAGER. I move that the House insist on its amendment and agree to the conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

KATHARINE RAINS PAUL.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul.

The amendment was read.

Mr. LOUDENSLAGER. I move that the House nonconcur in the amendment of the Senate and ask a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MARTIN obtained leave of absence for ten days, on account of important business.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4190. An act granting a pension to Fredereka Seymore—to the Committee on Pensions.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 14189. An act to permit the occupancy of the public printing building by the Grand Army of the Republic.

PUBLIC BUILDINGS.

Mr. MERCER. I call up for present consideration the conference report on the public-buildings bill—House bill 14018. I suggest that the statement of the House conferees be read, and that the reading of the conference report be omitted.

There was no objection, and the report of the House conferees (published in yesterday's House proceedings) was read.

Mr. BARTLETT. I desire to call the attention of the chairman of the committee [Mr. MERCER] to the fact that as to amendment 131 of the Senate there is evidently a clerical error. The report states the amount for public building at Macon, Ga., to be \$156,000 and the statement makes it \$154,000.

Mr. MERCER. The gentleman from Georgia [Mr. BARTLETT] is correct in his surmise that there is an error. The amount stated in the report, \$156,000, is correct.

Mr. McCLELLAN. Will the gentleman from Nebraska [Mr. MERCER] be kind enough to inform me whether the provision for the New York City post-office remains unchanged as it passed the House?

Mr. MERCER. It remains just as it passed the House.

Mr. McCLELLAN. And the Senate has increased the amount for the New York custom-house, as I understand?

Mr. MERCER. It increased the authorization for the custom-house on a statement made by the Treasury Department that \$500,000 increase upon the amount as passed by the House was necessary.

Mr. Speaker, I ask for the adoption of the report.

The SPEAKER. The question is on agreeing to the report.

The question was taken, and the report was agreed to.

Mr. MERCER. Mr. Speaker, I ask unanimous consent, in connection with this bill, to have printed as a House document some information and statistics furnished the Committee on Public Buildings and Grounds with reference to public buildings throughout the United States. It is a very valuable compilation of figures which should be presented to Congress, and that is a good way to preserve them.

The SPEAKER. The gentleman from Nebraska, chairman of the Committee on Public Buildings and Grounds, asks unanimous consent that there may be printed as a House document certain statistics bearing upon the question of public buildings and grounds in the United States. Is there objection? [After a pause.] The Chair hears none.

PROTECTION OF GAME IN ALASKA.

Mr. CUSHMAN. Mr. Speaker, on behalf of the Committee on Territories I call up the following conference report and statement and ask that they be printed in the RECORD.

The SPEAKER. The gentleman from Washington calls up a report and statement, to be printed in the RECORD under the recent rule.

The report and statement are as follows:

REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 11535, "A bill for the protection of game in Alaska, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment, which is as follows:

"Provided further, That nothing contained in the foregoing sections of this act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the district of Alaska animals or birds for the use of the Zoological Park in Washington, D. C."

And agree to the same with an amendment as follows: At the end of said amendment add the following:

"Provided further, That such heads and hides as may have been taken before the passage of this act may be shipped out of Alaska at any time prior to the 1st day of July, A. D. 1902."

And the Senate agree to the same.

FRANCIS W. CUSHMAN,  
A. L. BRICK,  
Managers on the part of the House.  
J. R. BURTON,  
A. B. KITTREDGE,  
Managers on the part of the Senate.

STATEMENT.

H. R. No. 11535, the bill in conference, is a bill simply and solely providing for the protection of wild game and wild birds in Alaska. Among other provisions the bill provided \* \* \* "that the killing of any wild bird, other

than a game bird or wild game animal, for the purposes of shipment from Alaska is hereby prohibited."

The only amendments to the bill that were before the conference committee or considered by them relate to the shipment of game birds and game animals from Alaska.

The Senate amendment to the House bill, which was disagreed to by the House, and upon which a conference was asked and had, was as follows:

Page 8, line 2, after "act," insert: "Provided further, That nothing contained in the foregoing sections of this act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the district of Alaska animals or birds for the use of the Zoological Park in Washington, D. C."

The committee of conference have agreed to recommend and do recommend that the House do recede and concur in the foregoing Senate amendment with the following amendment added at the close of the Senate amendment:

"Provided further, That such heads and hides as may have been taken before the passage of this act may be shipped out of Alaska at any time prior to the 15th day of July, A. D. 1902."

The object and effect of the foregoing will be to enable those who may have prior to the passage of this act lawfully obtained heads and hides to have sufficient time to dispose of the stock they have on hand before the provisions of this bill shall prohibit their lawful shipment.

The other amendment, which simply permits the collection of specimens in Alaska for the use of the Zoological Park in Washington City, is so manifestly appropriate that no special statement need be made in support of its acceptance.

FRANCIS W. CUSHMAN,  
A. L. BRICK,  
Managers on the part of the House.

#### FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and I ask unanimous consent that the statement be read.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the statement may be read and that the reading of the report may be omitted. If there is no objection, this course will be pursued.

There was no objection.

[The report and statement will be found on page 6015.]

Mr. HEMENWAY. Mr. Speaker, I move the adoption of the report.

The motion was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

#### GENERAL EDUCATION BOARD.

Mr. GROW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4419) to incorporate the general education board, which I will send to the desk and will ask to have read. It incorporates a company in the District of Columbia, but no appropriation of money is made by the bill.

The Clerk read the bill at length.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would ask the gentleman from Pennsylvania if this bill simply proposes to incorporate these gentlemen in the District of Columbia?

Mr. GROW. It incorporates nine gentlemen in a corporation confined to the District of Columbia, but they can aid in education anywhere in the United States.

Mr. BARTLETT. This bill has not been considered by the Committee on the District of Columbia.

Mr. GROW. It has been considered by the Committee on Education. It is a Senate bill. The Committee on Education has no objection to the bill, and it is reported from that committee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, as I understand, this bill, which makes a corporation within the District of Columbia, provides for the ownership of real property within the District of Columbia, and has not been considered by the District Committee. I understand, under the rules, that this bill should have gone to the Committee on the District of Columbia and not to the Committee on Education.

Mr. GROW. It relates to education and to nothing else.

Mr. RICHARDSON of Tennessee. It provides for the ownership of real property within the District, and the rules require that all bills which affect property in the District of Columbia and that make corporations within the District should go to that committee. I shall object to its consideration.

The SPEAKER pro tempore. Objection is made.

#### DISTRICT COURT FOR EASTERN DISTRICT OF PENNSYLVANIA.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill. I ask for the consideration of this bill on behalf of my friend General BINGHAM, of Pennsylvania, who introduced the bill.

The Clerk read as follows:

Be it enacted, etc., That the terms of the district court for the eastern district of Pennsylvania shall hereafter begin on the second Monday of March, the second Monday of June, the third Monday of September, and the second Monday of December, each term to continue until the succeeding term begins.

Sec. 2. That no action, suit, proceeding, or process in the said district court shall abate or be in any respect invalidated by reason of the change of terms made by the foregoing section, but the said actions, suits, proceedings,

and processes returnable to, pending, and triable in the term hereby established next after the return day thereof.

The following amendment, recommended by the Committee on the Judiciary, was read:

In line 11, after the word "processes," insert the words "shall be."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the last vote was laid on the table.

#### CIRCUIT AND DISTRICT COURTS, SOUTHERN DISTRICT, WEST VIRGINIA.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2276) to fix the time of holding the circuit and district courts for the southern district of West Virginia.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That so much of the act of Congress approved January 22, 1901, entitled "An act to divide the State of West Virginia into two judicial districts," as relates to the time of holding the regular terms of the circuit and district courts of the United States for the southern district of West Virginia, be amended so as to read as follows: "At Huntington, the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield, the first Tuesday in May and the third Tuesday in October; at Charleston, the first Tuesday in June and the third Tuesday in November."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. GAINES of West Virginia, a motion to reconsider the last vote was laid on the table.

Mr. TAWNEY. Mr. Speaker, I demand the regular order.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 20 minutes p. m.) the House, pursuant to the order heretofore adopted, adjourned until Monday, June 2, 1902, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary M. Jamison, administratrix of estate of Wiley J. Jamison, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of an opinion of the Comptroller of the Treasury and announcing the appointment of a committee to revise the Government salary tables—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14410) to provide for the control and management of United States penitentiaries, and for other purposes, reported the same with amendment, accompanied by a report (No. 2286); which said bill and report were referred to the House Calendar.

Mr. HEATWOLE, from the Committee on Printing, to which was referred House resolution 244, reported in lieu thereof a joint resolution (H. J. Res. 197) making certain appropriations of April 17, 1900, for printing United States maps available for the fiscal year 1902, accompanied by a report (No. 2300); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14206)

granting a pension to Mary J. Moore, reported the same with amendment, accompanied by a report (No. 2287); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 3320) granting an increase of pension to Adelaide G. Hatch, reported the same with amendment, accompanied by a report (No. 2288); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1225) granting an increase of pension to Clara W. McNair, reported the same with amendment, accompanied by a report (No. 2289); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13612) granting a pension to Margaret Bell, reported the same with amendments, accompanied by a report (No. 2290); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1456) granting a pension to William G. Miller, reported the same with amendments, accompanied by a report (No. 2291); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11286) granting a pension to Ellen M. Pooke, reported the same with amendments, accompanied by a report (No. 2292); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13449) granting an increase of pension to Mary A. E. Scott, reported the same with amendment, accompanied by a report (No. 2293); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14312) granting an increase of pension to John W. Huckelberry, reported the same with amendment, accompanied by a report (No. 2294); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13297) granting a pension to Martin Greeley, reported the same with amendments, accompanied by a report (No. 2295); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10394) granting a pension to William H. Ruggles, reported the same with amendments, accompanied by a report (No. 2296); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6005) granting a pension to James A. Chalfant, reported the same with amendments, accompanied by a report (No. 2297); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10329) granting a pension to Mary E. Aitken, reported the same without amendment, accompanied by a report (No. 2298); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12902) granting a pension to Julia Lee, reported the same with amendments, accompanied by a report (No. 2299); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 2321) referring the claim of William H. Diamond, of Chester, Pa., for damages for personal injuries sustained, to the Court of Claims, reported the same with amendments, accompanied by a report (No. 2301); which said bill and report were referred to the Private Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5587) for the relief of Anna Eliza Isabella Von Hemert, reported the same without amendment, accompanied by a report (No. 2302); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. SMALL: A bill (H. R. 14779) to authorize the construction of a bridge across the Neuse River, at or near Streets Ferry, North Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. BRUNDIDGE: A bill (H. R. 14780) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: A bill (H. R. 14781) providing for the payment of accrued and unused leave of absence of certain employees in the Census Bureau—to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 14782) to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE, from the Committee on Printing: A joint resolution (H. J. Res. 197) making certain appropriations of April 17, 1900, for printing United States maps available for the fiscal year 1902—to the Union Calendar.

By Mr. STEPHENS of Texas: A resolution (H. Res. 281) requesting the Secretary of the Interior to report to the House what amount of money has been derived and paid out from the sale of town lots in the towns of Lawton, Hobart, and Anodarko, in Oklahoma Territory—to the Committee on the Public Lands.

By Mr. PAYNE: A resolution (H. Res. 282) rescinding leaves of absence except in case of sickness—to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CURRIER: A bill (H. R. 14783) granting an increase of pension to Cornelius A. Clough—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 14784) granting a pension to Johniken L. Mynatt—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 14785) for the relief of Isabella R. Napier—to the Committee on War Claims.

By Mr. PUGSLEY: A bill (H. R. 14786) granting a pension to William Moutoux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14787) granting a pension to Hester E. Mooney—to the Committee on Invalid Pensions.

By Mr. REEVES: A bill (H. R. 14788) granting a pension to Frank E. Hills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14789) granting a pension to David Brobst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14790) granting a pension to John Wantland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14791) to remove the charge of desertion from the military record of Samuel Lenharr—to the Committee on Military Affairs.

Also, a bill (H. R. 14792) to remove the charge of desertion from the military record of Jacob Barnhart—to the Committee on Military Affairs.

Also, a bill (H. R. 14793) to remove the charge of desertion from the military record of B. Warren Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 14794) for the relief of Isaac D. Page—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14795) granting an increase of pension to Mary A. Buckaloo—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 14796) granting an increase of pension to E. A. Whitcomb—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 14797) granting an increase of pension to William R. Williams—to the Committee on Invalid Pensions.

By Mr. REEVES: A resolution (H. Res. 280) providing for extra pay for conductors of the elevator on House side of the old Library portion of the Capitol—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROMWELL: Petition of Cincinnati (Ohio) distillers in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of Cincinnati, Ohio, favoring reduction in the tax on spirits—to the Committee on Ways and Means.

By Mr. CONRY: Resolutions of Provincetown Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Papers to accompany House bill 10723, granting an increase of pension to William H. Hawkins—to the Committee on Invalid Pensions.

Also, affidavits to accompany House bill 10461, granting a pension to Joseph McFarland—to the Committee on Invalid Pensions.

Also, resolutions of United Mine Workers' Unions Nos. 1773 and 1602, of Sixmile Run, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of Mrs. A. J. Settle, widow of William Settle, deceased, for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. GREENE of Massachusetts: Resolutions of Provincetown Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Petition of Hon. George A. Robertson and 125 other citizens of Jackson County, Ind., urging the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Letter of P. T. Kirby, secretary of Trade and Labor Council, Poughkeepsie, N. Y., urging the passage of the Senate amendment to the sundry civil bill increasing the appropriation to the United States Geological Survey and favoring the amended irrigation bill and House bill 6279—to the Committee on Appropriations.

By Mr. MUTCHLER: Petitions of 80 citizens of Easton, Pa., for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition of William Montoux, for a pension—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of the New York Turn Verein, protesting against the passage of House bill 12199 in its present form—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of Horeb Lodge, Independent Order of B'nai B'rith, of New Haven, Conn., relative to passports to Russia—to the Committee on Foreign Affairs.

## SENATE.

SATURDAY, May 31, 1902.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

### REVENUES AND EXPENDITURES IN THE PHILIPPINES.

The PRESIDING OFFICER (Mr. PLATT of Connecticut) laid before the Senate a communication from the Secretary of War, transmitting a statement of the public civil revenues and expenditures therefrom in the Philippine Archipelago from the date of American occupation to June 30, 1901, etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

### RENTAL OF BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 22d instant, certain information relative to quarters rented by that Commission, giving location, area of floor space occupied, and annual rental thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 357) for the relief of Levi Maxted;

A bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams; and

A bill (H. R. 7319) granting an increase of pension to Frances H. Anthony.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 4927) granting an increase of pension to Hattie M. Whitney, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House insists upon its

amendment to the bill (S. 3992) granting an increase of pension to David M. McKnight, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DARRAGH, Mr. HOLLIDAY, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2066) to change the terms of the district court for the eastern district of Pennsylvania;

A bill (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger;

A bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;"

A bill (H. R. 9360) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor;

A bill (H. R. 12704) to increase the subsidiary silver coinage; and

A bill (H. R. 14380) to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry members of the Audubon Society of the State of New York, of Rochester, Charlotte, and Barnard Crossing, all in the State of New York, praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SCOTT presented petitions of United Mine Workers' Local Union No. 478, of Nuttallburg; of United Mine Workers' Local Union No. 887, of Flemington; of United Mine Workers' Local Union No. 1329, of Simpson; of United Mine Workers' Local Union No. 1966, of Atkinsville; of the United Mine Workers' Local Union of Craine Creek; of United Mine Workers' Local Union No. 591, of Thayer; of United Mine Workers' Local Union No. 237, of Tunnelton; of the United Mine Workers' Local Union of West End, and of United Mine Workers' Local Union No. 829, of Standard, all in the State of West Virginia, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. NELSON presented the affidavit of W. A. Dow, of Little Falls, Minn., guardian of William L. Dow, in support of the bill (S. 580) granting an increase of pension to William L. Dow; which was referred to the Committee on Pensions.

He also presented the affidavit of Ira Boyington, of Ballard, Wash., in support of the bill (S. 1667) granting an increase of pension to Ira Boyington; which was referred to the Committee on Pensions.

Mr. QUAY presented the petition of James King and 480 other citizens of Johnstown, Pa., praying for the enactment of legislation providing an annuity for Clara Barton; which was referred to the Committee on Military Affairs.

He also presented a petition of Tub Molders Helpers' Local Union No. 7452, of New Brighton, Pa., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the enactment of legislation providing uniform inland rates of transportation; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Fred W. Kelly and 400 citizens of Pennsylvania, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of John C. Pect Post, No. 160, Department of Minnesota, Grand Army of the Republic, of Norwood, Minn., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy when 50 years of age and over, etc.; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of Local Division No. 235, Order of Railway Conductors, of Freeport, Ill., praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

### LANDS OF CREEK INDIANS.

Mr. JONES of Arkansas. I present the memorial of Thomas P. Smith, president of the Chamber of Commerce of Muscogee, Ind. T., concerning the leasing of the nonmineral lands of the Creek Indians. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.